

THURSDAY, JULY 4, 2002

ONE HUNDRED SECOND LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Overbey.

Representative Overbey led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cooper; illness.

Representative Rhinehart; illness.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 410:** Rep(s). Fowlkes, Hood, Shepard, Sands, McMillan, Fitzhugh, Maddox and White as prime sponsor(s).

**House Joint Resolution No. 1195:** Rep(s). Windle, McCord, Todd, Goins, Bunch, Cole (Carter), Johnson, Turner (Davidson), Davis (Washington), Hargett, Stanley, Kent, McDaniel, Hagood, McKee, Harwell, Roach, Curtiss, Mumpower, Bone, McDonald, Boyer, Sharp, Wood, Vincent, Clem, Montgomery, Buttry, Bittle, Sargent, Davis (Cocke), Newton, Beavers, Rowland and Black as prime sponsor(s).

**House Bill No. 1036:** Rep(s). S. Jones, Odom, Pruitt and Langster as prime sponsor(s).

**House Bill No. 1488:** Rep(s). Armstrong, Odom, Bowers, Chumney, Brooks, Rowland and Black as prime sponsor(s).

**House Bill No. 1617:** Rep(s). Armstrong, Goins and Pinion as prime sponsor(s).

**House Bill No. 2885:** Rep(s). Bone and Patton as prime sponsor(s).

**House Bill No. 2895:** Rep(s). Boyer as prime sponsor(s).

**House Bill No. 3202:** Rep(s). Cole (Carter), Stanley, Givens, McDaniel, Godsey, White, Maddox, Fitzhugh, McMillan, Winningham, Sargent, McKee, Wood, Boyer, Hargett, Bone, Newton, Turner (Davidson), Hood, West, Buttry, Overbey, and Davidson as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 898, adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 898** -- Memorials, Interns - Nick Quinton. by \*Herron.

**CAPTION BILLS REFERRED**

**July 4, 2002**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 669 held on the Clerk's desk were referred to the following Committee(s):

**House Bill No. 669** -- State Employees – House Finance, Ways and Means Committee.

**PERSONAL ORDERS**

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Pleasant; illness.

Representative Turner (Hamilton); illness.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for July 4, 2002:

**House Resolution No. 408** -- Memorials, Death - Frank R. Merhoff. by \*Hood, \*Sargent, \*Casada.

**House Joint Resolution No. 1193** -- Memorials, Interns - Legislative Intern Class of 2002. by \*DeBerry L, \*Naifeh, \*Davidson, \*McDaniel.

**House Joint Resolution No. 1195** -- Memorials, Recognition - Tennessee Firearms Association. by \*West.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for July 4, 2002:

**Senate Joint Resolution No. 896** -- Memorials, Personal Achievement - Bryan T. Vaux, Eagle Scout. by \*Kyle.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 2553** -- Tennessee Valley Authority - Increases allocation of TVA payments in lieu of taxes to advisory commission on intergovernmental relations from \$4,462 to \$4,750 per month. Amends TCA Section 67-9-102. by \*Rochelle. (HB3182 by \*Bone)

**Senate Bill No. 2985** -- Victims' Rights - Increases criminal injuries compensation limits; expands reimbursable expenses; allows claims for subsequent hearings. Amends TCA Title 29, Chapter 13, Part 1. by \*Trail, \*Cooper J, \*Burks, \*Person. (\*HB3027 by \*Kisber)

## REPORTS FROM STANDING COMMITTEES

The committees that met on **July 4, 2002**, reported the following:

### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 3182, 1714, 145, 3026, 2885, 1488, 2642, 669, House Resolution(s) No(s). 406, House Joint Resolution(s) No(s). 1037, 1181, 1191, Senate Joint Resolution(s) No(s). 567, 534, also House Bill(s) No(s). 2500, 1716, 3178, 1617, 3202, 2425, 3124 (substituted for House Bill No. 2304) and 3027 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Supplemental Regular Calendar for July 4, 2002**: House Joint Resolution(s) No(s). 1037, House Bill(s) No(s). 145, House Resolution(s) No(s). 406, House Bill(s) No(s). 3182, 2500, 3026, 3178, 2885, 1716, 669, 1617, 3202, 1488, 2425, 3027, House Joint Resolution(s) No(s). 1181, 1191 and House Bill(s) No(s). 3214.

The Committee set the following bill(s) and/or resolution(s) on the **Supplemental Consent Calendar No. 2 for July 4, 2002**: Senate Joint Resolution(s) No(s). 567, 534, House Bill(s) No(s). 1714 and 2642.

### CONSENT CALENDAR

**House Resolution No. 408** -- Memorials, Death - Frank R. Merhoff. by \*Hood, \*Sargent, \*Casada.

**House Joint Resolution No. 1193** -- Memorials, Interns - Legislative Intern Class of 2002. by \*DeBerry L, \*Naifeh, \*Davidson, \*McDaniel.

**House Joint Resolution No. 1195** -- Memorials, Recognition - Tennessee Firearms Association. by \*West.

**Senate Joint Resolution No. 896** -- Memorials, Personal Achievement - Bryan T. Vaux, Eagle Scout. by \*Kyle.

Rep. Davidson moved that all members voting aye on House Joint Resolution No. 1193 be added as sponsors, which motion prevailed.

### OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

**House Joint Resolution No. 1195:** by Rep. Brooks

Under the rules, House Joint Resolution(s) No(s). 1195 was/were placed at the foot of the Calendars for July 4, 2002.

## THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

### SPECIAL ORDER

Without objection, the House took up the Supplemental Regular Calendar out of order as follows:

#### SUPPLEMENTAL REGULAR CALENDAR

### SPECIAL ORDER

Without objection, Rep. Kisber moved that the House take up House Bill No. 3214 out of order as follows:

**House Bill No. 3214** -- Appropriations - Authorizes index of appropriations from state tax revenues for fiscal year 2002-2003 to exceed index of estimated growth of state's economy by \$1,065,000,000 or 12.58 percent. Amends TCA Title 9, Chapter 4, Part 52. by \*McDaniel, \*Kisber. (\*SB3167 by \*Henry, \*Atchley)

On motion, House Bill No. 3214 was made to conform with **Senate Bill No. 3167**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 3167 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 3167 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 9-4-5203, is amended by adding the following language as a new, appropriately designated subsection:

( ) The index of appropriations from state tax revenues for the 2002-2003 fiscal year may exceed the index of estimated growth in the state's economy by seven hundred seventy-one million dollars (\$771,000,000) or nine and twenty-seven hundredths percent (9.27%).

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **Senate Bill No. 3167**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	76
Noes .....	16

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hargrove, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Beavers, Black, Bunch, Buttry, Casada, Clem, Davis (Washington), Dunn, Godsey, Hagood, Hargett, Harwell, Mumpower, Rowland, Stanley, Vincent -- 16.

A motion to reconsider was tabled.

**House Bill No. 3182** -- Tennessee Valley Authority - Increases allocation of TVA payments in lieu of taxes to advisory commission on intergovernmental relations from \$4,462 to \$4,750 per month. Amends TCA Section 67-9-102. by \*Bone. (\*SB2553 by \*Rochelle)

On motion, House Bill No. 3182 was made to conform with **Senate Bill No. 2553**; the Senate Bill was substituted for the House Bill.

Rep. Bone moved that Senate Bill No. 2553 be passed on third and final consideration.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

On motion, Rep. Langster withdrew State and Local Government Committee Amendment No. 1.

Rep. Bone moved that **Senate Bill No. 2553** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....87  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

A motion to reconsider was tabled.

**House Bill No. 2500** -- Pensions and Retirement Benefits - Corrects statutory reference to superceded retirement systems within retirement benefit system election of option provision. Amends TCA Title 5, Chapter 1, Part 3; Title 8, Chapter 23; Title 8, Chapter 25; Title 8, Chapter 27; Title 8, Chapters 34 through 37; and Title 8, Chapter 50. by \*Rhinehart, \*Head. (\*SB2425 by \*Atchley)

Rep. Head requested that House Bill No. 2500 be moved to the heel of the Calendar.

**\*House Bill No. 3026** -- Lottery - Enacts "Tennessee Lottery For the Support of Education Act of 2002". Amends TCA Title 4 and Title 39, Chapter 17, Part 5. by \*Miller L, \*Jones U (Shelby), \*Armstrong. (SB3018 by \*Dixon)

**BILL RE-REFERRED**

Rep. Miller moved that House Bill No. 3026 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

**SUPPLEMENTAL REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 3178** -- Mortgages - Places certain requirements and restrictions on mortgage and home equity loans. Amends TCA Title 45 and Title 47. by \*Fitzhugh. (SB3143 by \*Herron, \*Cooper J)

On motion, House Bill No. 3178 was made to conform with **Senate Bill No. 3143**; the Senate Bill was substituted for the House Bill.

On motion, Rep. Curtiss withdrew Commerce Committee Amendment No. 1.

Rep. Fitzhugh moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 3143 by adding as a new subsection (c) to Section 1, as amended, the following, and renumbering existing subsections accordingly:

(c) The committee should consider:

(1) Whether the subprime lending market which provides loans to many borrowers who have impaired credit performs a significant service to citizens of Tennessee, particularly those in distressed urban areas and whether prospective legislation is warranted;

(2) Whether legislation and regulation affecting the subprime market should restrict those relatively few lenders who are engaged in patterns and practices of unfair treatment to vulnerable consumers commonly referred to as predatory lending;

(3) Whether the subprime markets should be subject to additional restrictions, prohibitions, remedies, and penalties.

On motion, Amendment No. 2 was adopted.

Rep. Fitzhugh moved that **Senate Bill No. 3143**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	85
Noes .....	0
Present and not voting .....	2



**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Shelby), Turner (Davidson), West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Johnson, Vincent -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 2885** -- Abuse - Redefines "severe child abuse" to include knowing exposure of child to, or knowing failure to protect child from, exposure to methamphetamine lab. Amends TCA Section 37-1-102. by \*Ford S, \*Lewis, \*Newton. (SB2932 by \*McNally, \*Cooper J, \*Burchett, \*Cohen, \*Person, \*Trail, \*Henry, \*Burks, \*Davis L, \*Williams, Sen.)

On motion, House Bill No. 2885 was made to conform with **Senate Bill No. 2932**; the Senate Bill was substituted for the House Bill.

Rep. Ford moved that Senate Bill No. 2932 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2932 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(21), is amended by adding a new subdivision, which shall read as follows:

(D) Knowingly allowing a child to be present within a structure where the act of creating methamphetamine, as that substance is identified in 39-17-408(d)(2), is occurring.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Ford moved that **Senate Bill No. 2932**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....89  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

**House Bill No. 1716** -- Animals and Animal Cruelty - Creates Class E felony offense of aggravated cruelty to animals and establishes additional non-criminal punishment for violators. Amends TCA Title 39, Chapter 14, Part 2. by \*McMillan. (\*SB1810 by \*Cohen, \*Crutchfield, \*Person)

On motion, House Bill No. 1716 was made to conform with **Senate Bill No. 1810**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 1810 be passed on third and final consideration.

On motion, Rep. Givens withdrew Agriculture Committee Amendment No. 1.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1810 by deleting from Section 1 of the bill, as amended, subdivision (b)(1) and by substituting instead the following language:

(1) "Aggravated cruelty" means conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal;

AND FURTHER AMEND by deleting from Section 1 of the bill, as amended, subsection (d) in its entirety and by substituting instead the following language:

(d)(1) A first-time conviction for aggravated cruelty to animals is a Class A misdemeanor.

(2) Any subsequent conviction for aggravated cruelty to animals is a Class E felony.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

On motion, Agriculture Committee Amendment No. 2 was adopted.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 1810 by deleting from Section 1 of the bill, as amended, subdivision (c)(9) and by substituting instead the following language:

(9) Dispatching wild or abandoned animals on a farm or residential real property; or

On motion, Agriculture Committee Amendment No. 3 was adopted.

On motion, Rep. Givens withdrew Agriculture Committee Amendment No. 4.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 5 as follows:

**Amendment No. 5**

AMEND Senate Bill No. 1810 by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect July 15, 2002, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 5 was adopted.

Rep. Davis (Cocke) moved that Senate Bill No. 1810 be reset for the first Regular Calendar in January 2003, which motion failed by the following vote:

Ayes .....	22
Noes .....	44
Present and not voting .....	5

Representatives voting aye were: Beavers, Bittle, Buttry, Casada, Clem, Davis (Cocke), Ford, Fraley, Goins, Hood, McDaniel, McKee, Newton, Roach, Rowland, Scroggs, Sharp, Tidwell, Vincent, Whitson, Windle, Wood -- 22.

Representatives voting no were: Armstrong, Bowers, Briley, Brooks, Brown, Buck, Caldwell, Cole (Dyer), Davidson, DeBerry J, DeBerry L, Dunn, Fitzhugh, Fowlkes, Givens, Godsey, Hargrove, Head, Jones S, Kernell, Kisber, Langster, Maddox, McCord, McMillan, Miller, Montgomery, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Sands, Shaw, Shepard, Stanley, Tindell, Turner (Shelby), Turner (Davidson), West, Mr. Speaker Naifeh -- 44.

Representatives present and not voting were: Chumney, Cole (Carter), Kent, McDonald, Todd -- 5.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

Rep. Turner (Davidson) moved the previous question, which motion prevailed.

Rep. McMillan moved that **Senate Bill No. 1810**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	60
Noes .....	25
Present and not voting .....	1

Representatives voting aye were: Armstrong, Black, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Cole (Carter), Cole (Dyer), Davis (Washington), DeBerry J, DeBerry L, Dunn, Fitzhugh, Fowlkes, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Head, Hood, Jones S, Kent, Kernell, Kisber, Langster, Maddox, McDaniel, McMillan, Miller, Mumpower, Odom, Overbey, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tindell, Todd, Turner (Shelby), Turner (Davidson), West, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Beavers, Bittle, Bone, Clem, Curtiss, Davidson, Davis (Cocke), Ferguson, Ford, Fraley, Lewis, McCord, McKee, Montgomery, Newton, Patton, Roach, Sharp, Tidwell, Vincent, White, Whitson, Windle, Winningham, Wood -- 25.

Representatives present and not voting were: McDonald -- 1.

A motion to reconsider was tabled.

**House Bill No. 669** -- State Employees - Clarifies that constitutional officers are eligible for state group insurance program. Amends TCA Title 8, Chapter 27. by \*Kisber. (\*SB602 by \*Haun, \*Cooper J)

On motion, House Bill No. 669 was made to conform with **Senate Bill No. 602**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 602 be passed on third and final consideration.

Rep. Kent moved that Council on Pensions and Insurance Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Kisber moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 602 by deleting Section 3 of the bill as amended by House Amendment No. 1 (HA0815) and by substituting instead the following language:

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

Rep. Boyer moved the previous question, which motion prevailed.

Rep. Kisber moved that **Senate Bill No. 602**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	81
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Shelby), Turner (Davidson), Vincent, West, White, Wood, Mr. Speaker Naifeh -- 81.

Representatives present and not voting were: Goins, Windle -- 2.

A motion to reconsider was tabled.

**House Bill No. 1617** -- Sunset Laws - Commission of Indian affairs, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 34. by \*Kernell, \*Cooper B, \*Arriola, \*Windle, \*Dunn, \*Fraley, \*Tindell, \*Phelan, \*Davis (Washington), \*Fitzhugh, \*Ferguson, \*Bone, \*White, \*Turner (Shelby), \*Winningham, \*Maddox. (\*SB41 by \*Harper)

On motion, House Bill No. 1617 was made to conform with **Senate Bill No. 41**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 41 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No.

1.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 41 By deleting in subsection (b) of Section 13 the language "Tennessee Code Annotated, Section 4-29-226(a)" and by substituting instead the language "Tennessee Code Annotated, Section 4-29-224(a)".

On motion, Government Operations Committee Amendment No. 2 was adopted.

Rep. Kernell moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Kernell moved adoption of Amendment No. 4, which motion was immediately withdrawn.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 5 as follows:

**Amendment No. 5**

AMEND Senate Bill No. 41 By deleting the effective date clause and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 5 was adopted.

Rep. Kernell moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 41 By deleting the following language from Section 9, as amended:

The commission may, subject to legislative or other funds that may accrue to the commission,

And by substituting instead the following:

The commission may, if sufficient funds are received from private funding sources,

AND FURTHER AMEND by deleting in its entirety subsection (g) of Section 5 and by substituting instead the following:

(g) Commission members shall not receive per diem nor shall they be reimbursed for travel expenses for attending the business of the commission.

Rep. Todd moved the previous question on Amendment No. 6, which motion prevailed.

On motion, Amendment No. 6 was adopted.

Rep. Kernell requested that Senate Bill No. 41 be moved to the heel of the Calendar.

**CHAIR TO KISBER**

Speaker Pro Tempore DeBerry relinquished the Chair to Rep. Kisber.

**SUPPLEMENTAL REGULAR CALENDAR, CONTINUED**

**House Bill No. 3202** -- Constitutional Conventions - Submits to voters question of whether limited constitutional convention should be held to consider changes to Article II, Sections 24, 28, 29, and 30 with respect to state, county, and municipal taxation and expenditures. by \*Bunch, \*Harwell. (\*SB3156 by \*Norris, \*Person, \*Miller J, \*Crowe, \*McNally, \*Blackburn)

Rep. Sands moved that House Bill No. 3202 be passed on third and final consideration.

Rep. Sands requested that Amendment No. 1 be placed at the heel of the Amendments.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Head moved that Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Sands moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3202 By deleting all of the language after the enacting clause and by substituting instead the following:

**SECTION 1.**

(a) In order to ascertain the will of the people with respect to whether or not a limited constitutional convention should be called, there shall be submitted to the people of the state at the regular August election to be held on Tuesday, August 3, 2004, under the general election laws of the state in the several counties, the following question, which shall be printed in full on each ballot or voting machine, in words and figures substantially as follows:

CONSTITUTIONAL REFERENDUM

Question: Shall a convention be held to alter, reform, or abolish the following parts and subject matter of the present Constitution of Tennessee, the convention to be limited to consideration of and action upon the parts and subject matter included in this act and whose actions with respect thereto become effective only after the amendments proposed by the convention are separately submitted to and ratified by a vote of the people?

Article II, Section 28 relative to taxation.

\_\_\_\_\_ FOR THE CONVENTION

\_\_\_\_\_ AGAINST THE CONVENTION

Voters will indicate their choice by placing a cross mark (x) opposite one or the other of the above expressions.

(b) The proper officers in all counties shall immediately after the election make a return to the secretary of state of the number of votes cast in their respective counties "For the Convention" and the number of votes cast "Against the Convention", and after comparison of the returns by the secretary of state and the attorney general and reporter, the governor shall, by proclamation, announce the results.

(c) If the people approve the question and thereby authorize the convention, then delegates shall be elected at the regular November election to be held on Tuesday, November 2, 2004, under the general election laws of the state in the several counties. There shall be ninety-nine (99) delegates, with one (1) delegate to be elected by the qualified voters of each state house representative district from which members are elected to the house of representatives of the Tennessee general assembly.

(d) Any person who is at least twenty-one (21) years of age, a citizen of the United States, and a citizen of Tennessee for three (3) years and a resident of the district for at least one year may become a candidate for delegate to the convention upon filing with the county election commission of the county of residence a nominating petition containing not less than twenty-five (25) names of legally qualified voters of the district. In the case of a candidate from a state representative district comprising more than one county, only one qualifying petition need be filed by the candidate, and that in the candidate's home county, with a certified copy thereof filed with the election commission of each of the other counties in the state representative district.



Notwithstanding any provision of law to the contrary, every person desiring to become a delegate to the convention shall qualify by filing a qualifying petition or petitions by 12:00 o'clock noon, prevailing time, on Thursday, September 2, 2004. The names of candidates for the delegates to the convention shall be placed on the official ballot alphabetically without reference to political affiliation. Each voter shall cast a ballot for one (1) delegate from the voter's state representative district. The candidate from each state representative district who receives the greatest number of votes shall be the delegate from the state representative district.

The returns from the various counties shall be certified to the secretary of state and canvassed by the secretary of state, the governor and the attorney general and reporter in the same manner and form as the returns are required to be certified from the election in which the people vote for and against the call of the convention and the governor shall, by proclamation, announce the names of those elected as delegates to the convention. Delegates to the convention, elected and certified, shall receive a certificate of election signed by the governor and attested by the secretary of state under the great seal of the state.

(e) The delegates elected to the convention shall assemble in the chamber of the house of representatives at Nashville at 12:00 o'clock noon on Tuesday, September 6, 2005, and organize by electing one of their members as president, another as secretary, and by electing such other officers as they consider necessary. If a majority of the delegates are not present on that date, then those present shall adjourn from day to day until a majority appears, when the convention shall be organized. The convention when organized may adopt its own rules of procedure and employ such clerks, stenographers, reporters, sergeants-at-arms, and other assistants as the convention considers necessary and fix the amount of their compensation.

The compensation of the delegates to the convention shall be a per diem allowance and mileage allowance in such amounts as may prevail, during the time the convention meets, for members of the general assembly, which shall be paid by the state in the same manner that members of the general assembly are paid, upon certification by the president and secretary of the convention. In case there shall be a vacancy in the membership of the convention, it shall be filled by election of the legislative body of the county of residence of the delegate whose seat becomes vacant.

(f) It is the duty of the secretary of state to make publication in at least one general circulation newspaper published in each county of the fact that a constitutional convention election is to be held in the state on Tuesday, August 3, 2004. Any county not having a general circulation newspaper shall be considered to have been notified by publication in the newspaper published in counties immediately adjacent thereto. The secretary of state shall also certify to the various election commissioners of the different counties the form for the ballot with reference to the constitutional convention election agreeable to the terms of this section and furnish the election commissioners with any other printed information pertaining to the election that is material or necessary. If the people vote in favor of the convention, then it is the duty of the secretary of state to issue a call for the election of delegates to the convention. The election shall be held in the various counties on Tuesday, November 2, 2004, and the secretary of state shall certify to the various county election commissioners the form of the ballot to be used in the election of delegates. All ballots used in the 2004 regular August election shall include the above question as to holding the limited constitutional convention, and the ballots used in the 2004 regular November election shall include the names of the candidates for delegates to such convention, if such convention is approved.

(g) The final action of the convention with respect to the alteration of Article II, Section 28, relative to taxation shall be duly certified by the president and the secretary of the convention and the original certified copy shall be transmitted to the secretary of state.

(h) Any amendment to Article II, 28, relative to taxation shall be submitted to the voters of the state for ratification or rejection at an election to be held in such manner and on such date after the final adjournment of the convention as may be fixed and determined by the convention. The official ballot to be used in any such election shall be arranged so that the voter can vote separately for the ratification or rejection of each and every amendment. Any election so held shall be held under the general election laws of the state. When the election to ratify or reject any amendment to the constitution has been held, the various county election commissioners shall certify the results thereof in each county to the secretary of state, who, together with the governor and attorney general and reporter, shall canvass the returns and the governor shall issue a proclamation showing the results of the election on the ratification or rejection of the amendments. All amendments ratified and approved in the election held for that purpose shall be proclaimed by the governor as a part of the constitution of the state and such proclamation shall be filed in the office of the secretary of state.

(i) All expenses in connection with the holding of any of the elections authorized by this section shall be paid by the commissioner of finance and administration on warrant drawn upon the treasurer upon certification by the secretary of state to the correctness of each account. No compensation shall be paid by the state to the various county election commissioners for their services or for rental space or quarters in the various counties for places for holding any elections herein authorized.

(j) Notwithstanding any provision of law to the contrary:

(1) Every person acting as a lobbyist at the constitutional convention shall be subject to the provisions of Title 3, Chapter 6, as if the convention constitutes an annual session of the general assembly;

(2) Every person serving as a delegate to, or an employee of, the constitutional convention shall be subject to the provisions of Title 2, Chapter 10, Part 1, as if the convention constitutes an annual session of the general assembly and such person is serving as a member or employee of the general assembly; and

(3) Every person serving as a delegate to, or an employee of, the constitutional convention (as well as such person's immediate family), shall be subject to the provisions of §3-6-108, as if the convention constitutes an annual session of the general assembly and such person is serving as a member or employee of the general assembly.

**Section 2.** The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Newton moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Turner (Davidson) moved the previous question, which motion prevailed.

Rep. Sands moved that **House Bill No. 3202**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	77
Noes .....	11

## THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Baird, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tindell, Todd, Turner (Davidson), Vincent, West, White, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Beavers, Briley, Casada, Fowlkes, Fraley, Jones S, Kernell, Shaw, Towns, Turner (Shelby), Windle -- 11.

A motion to reconsider was tabled.

**House Bill No. 1488** -- Health, Dept. of - Establishes as priority of office of women's health dissemination of current, accurate information regarding women's gynecological cancers; requires certain physicians to disseminate certain information to their patients. Amends TCA Title 63, Chapter 6, Part 2 and Title 68, Chapter 1, Part 18. by \*Brown, \*Pruitt. (\*SB449 by \*Crutchfield, \*Harper)

Rep. Brown moved that House Bill No. 1488 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

### **Amendment No. 1**

AMEND House Bill No. 1488 by deleting all language after the enacting clause and by substituting instead the following.

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, Part 18 is amended by adding the following as a new subsection.

(a) It is the intent of the general assembly to promote greater awareness of women to the risks of gynecological cancers by increasing their knowledge of the signs of such types of cancers and the benefits of early detection. The general assembly recognizes the traditional and significant role played by the department of health in educating the public about health issues and their relevance to maintaining a good quality of life for all citizens.

(b) The department of health is directed to develop and implement a statewide initiative to increase awareness of women regarding gynecological cancers. Through the department's office of women's health, the department shall work with other state and federal programs, such as the Tennessee breast and cervical cancer early detection program and the national cervical cancer coalition, to encourage all women to have regular screening examinations and to follow good health practices which may prevent gynecological cancers.

(c) During national cervical health awareness month, the department shall further the public's knowledge and understanding of the signs of gynecological cancers and the importance of early detection through regular examinations by utilizing print, electronic, audio, or other media, as deemed appropriate by the department. The department shall encourage appropriate physicians and other health care providers to actively educate their patients regarding gynecological cancers through dissemination of information about these diseases and their detection and prevention, as well as through participation in the initiative by providing free cervical cancer screening on Free Pap Smear Day. Where feasible, the department shall work with similar national campaigns which are directed toward women's health issues, as well as partner with health care professional organizations and governmental entities to enhance the department's efforts related to gynecological cancers.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Brown moved that **House Bill No. 1488**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

A motion to reconsider was tabled.

**\*House Bill No. 2425** -- Child Custody and Support - Removes requirement that Shelby County juvenile court review actions of department of human services relative to Title IV-D child support services. Amends TCA Section 36-5-1001. by \*Scroggs. (SB2735 by \*Person, \*Norris)

Rep. Scroggs moved that House Bill No. 2425 be passed on third and final consideration.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2425 by deleting Sections 2 and 3 of the printed bill in their entireties and by substituting instead the following new language:

**SECTION 2.**

(a) For any case to which the provisions of § 36-5-1001(c)(2), as it existed immediately prior to the effective date of this act would have applied, any new requests for appeals and reviews of any Title IV-D child support administrative actions of the department of human services, as otherwise permitted by the administrative appeal and review provisions of Title 36, Chapter 5, Part 10, made either to the juvenile court in counties having a population of not less than eight hundred twenty-six thousand (826,000) and not more than eight hundred twenty-seven thousand (827,000) according to the 1990 federal census, or to the department, on, and after, the effective date of this act, shall be under the jurisdiction of the department; provided, however, any requests that have been made by an appellant to the juvenile courts in such counties in which the appellant has sought, prior to the effective date of this act, an appeal and review of any Title IV-D child support administrative actions of the department, shall continue to be conducted by such juvenile courts according to the law existing under Title 36, Chapter 5, Part 10 and § 36-5-1001(c)(2) as those provisions existed immediately preceding the effective date of this act.

(b) The department shall hear and determine such appeals under the contested case provisions of the Uniform Administrative Procedures Act, compiled at Title 4, Chapter 5, Part 3 and under the provisions of Title 36, Chapter 5, Part 10.

SECTION 3. This act shall take effect July 1, 2002, the public welfare requiring it.

**CHAIR TO BOYER**

Rep. Kisber relinquished the Chair to Rep. Boyer.

**SUPPLEMENTAL REGULAR CALENDAR, CONTINUED**

Rep. U. Jones requested that House Bill No. 2425 be moved down 2 places on the Calendar.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

**\*House Bill No. 3027** -- Victims' Rights - Increases criminal injuries compensation limits; expands reimbursable expenses; allows claims for subsequent hearings. Amends TCA Title 29, Chapter 13, Part 1. by \*Kisber. (SB2985 by \*Trail, \*Cooper J, \*Burks, \*Person)

On motion, House Bill No. 3027 was made to conform with **Senate Bill No. 2985**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2985 be passed on third and final consideration.

On motion, Rep. Sands withdrew Judiciary Committee Amendment No. 1.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2985 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-13-106(e), is amended by deleting the words and figures "eighteen thousand dollars (\$18,000)" and by substituting instead the words and figures "thirty thousand dollars (\$30,000)".

SECTION 2. Tennessee Code Annotated, Section 29-13-106, is amended by deleting subsection (h) in its entirety and by substituting instead the following:

(h) It is the intent of the general assembly that the maximum award pursuant to § 29-13-106(e) equal no less than one hundred five percent (105%) of the national average of the maximum compensation award provided by the fifty (50) states within the United States, the District of Columbia and the United States Virgin Islands. No later than October 1 of each year, the treasurer shall compare the maximum award limit for this program with the average of the maximum award limits of the other states, provided that the other states have a maximum award limit which is ascertainable or set in a manner similar to Tennessee's. In the event that any of the states or territories do not have an overall maximum award, the treasurer shall eliminate that state or territory from comparison. If the treasurer determines that the maximum is less than one hundred five percent (105%) of the national average, the treasurer shall adjust the maximum award to an amount equal to one hundred five percent (105%) of the national average; provided, the maximum award shall be rounded up to the nearest one hundred dollars (\$100.00). Any adjustment made pursuant to this provision shall be effective on July 1 of the next fiscal year and shall apply to claims filed for crimes occurring on or after such date. The treasurer shall make any adjustment to the maximum award by rule promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 3. Tennessee Code Annotated, Section 29-13-109(b)(2)(S), is hereby deleted.

SECTION 4. Tennessee Code Annotated, Section 29-13-118, is hereby deleted.

SECTION 5. Tennessee Code Annotated, Section 29-13-116, is amended by deleting the section in its entirety and by substituting instead the following:

29-13-116.

(a) Funds available from the criminal injuries compensation fund, created under § 40-24-107, shall be expended to effectuate the provisions of this chapter, including all expenses to administer the Criminal Injuries Compensation Act of 1976.

(b) Use of available federal funds shall be specifically permitted to fund this program. In the event federal funds are made available to the state, the division is hereby authorized to comply with any additional requirements imposed by the federal government so long as compliance with such provisions is not prohibited by, or contrary to, the provisions of this chapter.

(c) The treasurer is authorized to award an annual grant to the following:

(1) The district attorneys general conference for domestic violence and drug enforcement program operations in an amount not to exceed that specified in the general appropriations act each fiscal year; and

(2) The organization created by Senate Bill 1072, House Bill 65 of the 102nd Tennessee General Assembly, if the same becomes law; provided, that the organization submits to the treasurer a plan specifying the use of the moneys and such plan is approved by the treasurer. The grant authorized in this subdivision shall not exceed one hundred thousand dollars (\$100,000) and is subject to authorization contained in the general appropriations act.

(d) Funds available in the criminal injuries compensation fund may be expended to effectuate the payment of DNA analysis under the provisions of § 40-30-413. Such payment shall be made only after receipt by the treasurer of a certified copy of the order and only upon receipt of a bill from the laboratory that conducted the analysis. The bill shall set forth the name of the petitioner, the date the analysis was performed, the amount of the bill, and the name and address of the laboratory to which payment is to be made.



(e) In the event that the moneys in the criminal injuries compensation fund are inadequate to support the provisions of subdivisions (a) through (d), there is hereby appropriated a sum sufficient to support said expenditures.

SECTION 6. Tennessee Code Annotated, Section 29-13-106(a)(4), is amended by deleting the same in its entirety and by substituting instead the following:

(4) Reasonable out-of-pocket expenses incurred for cleaning supplies, equipment rental and labor needed to clean the scene of a homicide, sexual assault or aggravated assault, if the scene was the residence of the victim or a relative of the victim as defined in § 29-13-102(11). "Cleaning the scene" means to remove, or attempt to remove, from the crime scene blood, dirt, stains or other debris caused by the crime or the processing of the crime scene;

SECTION 7. Tennessee Code Annotated, Section 29-13-106(a)(7), is amended by deleting the same in its entirety and by substituting instead the following:

(7) The victim's reasonable moving expenses, storage fees and fees for transfer of utility service if the move is a direct result of an assault committed upon such victim at the victim's residence, provided that the victim shall not receive compensation for more than two (2) moves resulting from the assault; and

SECTION 8. Tennessee Code Annotated, Section 29-13-106(a), is amended by deleting the word "and" at the end of subdivision (6); by deleting the period at the end of subdivision (7) and substituting instead a semi-colon and the word "and"; and by adding the following language as a new subdivision to be designated as follows:

(8) Reasonable costs of cleaning, repairing or replacing eyeglasses and hearing aids owned by the victim that were damaged or destroyed by the crime or the processing of the crime scene, and the reasonable costs of repairing or replacing personal property owned by the victim or a relative of the victim as defined in § 29-13-102(11) that was damaged or destroyed in processing the scene of a homicide, sexual assault or aggravated assault if the scene was the residence of the victim or the relative of the victim who owned the property.

SECTION 9. Tennessee Code Annotated, Section 29-13-106, is amended by deleting the subsection (b) in its entirety and by substituting instead the following:

(b) In no case will any compensation be awarded for any damage to real or personal property, except as provided in subdivision (a)(8) of this section. For the purpose of this section, "dental devices," "artificial prosthetic devices" and "medically related devices" are not considered personal property.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

SECTION 10. Tennessee Code Annotated, Section 29-13-107(4), is amended by deleting the words and figures "four thousand five hundred dollars (\$4,500)" and by substituting instead the words and figures "six thousand dollars (\$6,000)".

SECTION 11. Tennessee Code Annotated, Section 29-13-107, is amended by deleting the subsection (5) in its entirety and by substituting instead the following:

(5) Any award made for expenses under § 29-13-106(a)(4) shall not exceed three thousand dollars (\$3,000).

SECTION 12. The provisions of this act shall take effect August 1, 2002, the public welfare requiring it and shall apply to criminal acts committed on or after August 1, 2002.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Kisber moved that **Senate Bill No. 2985**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Rinks, Roach, Rowland, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Garrett, Ridgeway -- 2.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

## RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for July 4, 2002:

**House Resolution No. 394** -- Memorials, Retirement - Representative Jim Boyer. by \*McDaniel, \*Ford S.

**House Resolution No. 395** -- Memorials, Retirement - Representative Mae Beavers. by \*McDaniel, \*Boyer, \*Ford S.

**House Resolution No. 396** -- Memorials, Retirement - Representative Larry Scroggs. by \*McDaniel, \*Boyer, \*Ford S.

**House Resolution No. 397** -- Memorials, Retirement - Representative Mark Goins. by \*McDaniel, \*Boyer, \*Ford S.

**House Joint Resolution No. 1060** -- Memorials, Public Service - Representative Shelby A. Rhinehart. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1061** -- Memorials, Public Service - Representative Bobby W. Sands. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1062** -- Memorials, Public Service - Representative Ronnie M. Cole. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1063** -- Memorials, Public Service - Representative Don Ridgeway. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1064** -- Memorials, Public Service - Representative Ken Givens. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1065** -- Memorials, Public Service - Representative Clarence W. (Pete) Phillips. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1066** -- Memorials, Public Service - Representative John Arriola. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1067** -- Memorials, Public Service - Representative Matthew H. Kisber. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1068** -- Memorials, Public Service - Representative Gene Caldwell, MD. by \*Ferguson, \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

## RECOGNITION IN THE WELL

Representatives Rinks, Davidson, McDaniel and Lois DeBerry were recognized in the Well to honor those members retiring at the conclusion of the 102nd General Assembly.

**SPECIAL ORDER**

Rep. Rinks moved that the House take up the Supplemental Consent Calendar, which motion prevailed.

**SUPPLEMENTAL CONSENT CALENDAR**

**House Resolution No. 394** -- Memorials, Retirement - Representative Jim Boyer. by \*McDaniel, \*Ford S.

**House Resolution No. 395** -- Memorials, Retirement - Representative Mae Beavers. by \*McDaniel, \*Boyer, \*Ford S.

**House Resolution No. 396** -- Memorials, Retirement - Representative Larry Scroggs. by \*McDaniel, \*Boyer, \*Ford S.

**House Resolution No. 397** -- Memorials, Retirement - Representative Mark Goins. by \*McDaniel, \*Boyer, \*Ford S.

**House Joint Resolution No. 1060** -- Memorials, Public Service - Representative Shelby A. Rhinehart. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1061** -- Memorials, Public Service - Representative Bobby W. Sands. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1062** -- Memorials, Public Service - Representative Ronnie M. Cole. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1063** -- Memorials, Public Service - Representative Don Ridgeway. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1064** -- Memorials, Public Service - Representative Ken Givens. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1065** -- Memorials, Public Service - Representative Clarence W. (Pete) Phillips. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1066** -- Memorials, Public Service - Representative John Arriola. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1067** -- Memorials, Public Service - Representative Matthew H. Kisber. by \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

**House Joint Resolution No. 1068** -- Memorials, Public Service - Representative Gene Caldwell, MD. by \*Ferguson, \*Rinks, \*Davidson, \*DeBerry L, \*Naifeh.

Rep. Rinks moved that all members voting aye be added as sponsors to all items on the Supplemental Consent Calendar, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....92  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 92.

A motion to reconsider was tabled.

#### SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

**\*House Joint Resolution No. 1181** -- General Assembly, Studies - Creates special joint committee to study state government's procurement system for information technology commodity items and services. by \*Fitzhugh.

#### BILL HELD ON DESK

Rep. Fitzhugh moved that House Joint Resolution No. 1181 be held on the Clerk's desk, which motion prevailed.

#### SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2425** -- Child Custody and Support - Removes requirement that Shelby County juvenile court review actions of department of human services relative to Title IV-D child support services. Amends TCA Section 36-5-1001. by \*Scroggs. (SB2735 by \*Person, \*Norris)

Further consideration of House Bill No. 2425 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment(s) No(s). 1.

Rep. Scroggs moved that House Bill No. 2425 be passed on third and final consideration.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2425 by deleting Sections 2 and 3 of the printed bill in their entireties and by substituting instead the following new language:

**SECTION 2.**

(a) For any case to which the provisions of § 36-5-1001(c)(2), as it existed immediately prior to the effective date of this act would have applied, any new requests for appeals and reviews of any Title IV-D child support administrative actions of the department of human services, as otherwise permitted by the administrative appeal and review provisions of Title 36, Chapter 5, Part 10, made either to the juvenile court in counties having a population of not less than eight hundred twenty-six thousand (826,000) and not more than eight hundred twenty-seven thousand (827,000) according to the 1990 federal census, or to the department, on, and after, the effective date of this act, shall be under the jurisdiction of the department; provided, however, any requests that have been made by an appellant to the juvenile courts in such counties in which the appellant has sought, prior to the effective date of this act, an appeal and review of any Title IV-D child support administrative actions of the department, shall continue to be conducted by such juvenile courts according to the law existing under Title 36, Chapter 5, Part 10 and § 36-5-1001(c)(2) as those provisions existed immediately preceding the effective date of this act.

(b) The department shall hear and determine such appeals under the contested case provisions of the Uniform Administrative Procedures Act, compiled at Title 4, Chapter 5, Part 3 and under the provisions of Title 36, Chapter 5, Part 10.

**SECTION 3.** This act shall take effect July 1, 2002, the public welfare requiring it.

On motion, Children and Family Affairs Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2425 by deleting the effective date section and by substituting instead the following:

**SECTION \_\_\_\_.** This act shall take effect September 1, 2002, the public welfare requiring it.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Todd moved the previous question, which motion prevailed.

Rep. Scroggs moved that **House Bill No. 2425**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....91  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 1191** -- General Assembly, Studies - Creates special joint committee to study adequacy of funding for BEP. by \*Brown, \*Winningham.

Rep. Brown moved adoption of House Joint Resolution No. 1191.

Rep. L. DeBerry moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 1191 by deleting the caption and substituting instead the following:

A RESOLUTION to create a special joint committee to study the adequacy of funding for the Basic Education Program (BEP) and to create a special joint committee to study all issues relating to the proposed licensing of surgical technologists.

FURTHER AMEND by adding the following new language after the last Resolving Clause:

WHEREAS, during the One Hundred Second general assembly the "Surgical Technologist Licensure Act" (HB 2273/SB 2173) was introduced by Representative Barbara Cooper and Senator John Ford; and

WHEREAS, the One Hundred Second general assembly ended with many issues concerning the efficacy, necessity and procedural details of this act still remaining; and

WHEREAS, an issue of this complexity and importance to the health community is deserving of continued study; now, therefore;

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is created a special joint study committee to examine all issues pertaining to the proposed licensing of surgical technologists.

BE IT FURTHER RESOLVED, That the committee shall consist of six (6) legislative members. The speaker of the senate shall appoint three (3) legislative members of the committee. The speaker of the house of representatives shall appoint three (3) legislative members from the membership of the house health and human resources committee. The committee shall be convened by the legislative member with the most years of continuous legislative service, and, at its organizational meeting, shall elect from its membership, a chair, vice-chair and such other officers, as it may deem necessary.

BE IT FURTHER RESOLVED, That the committee shall study, receive testimony, deliberate upon and make recommendations regarding the licensing of surgical technologists.

BE IT FURTHER RESOLVED, That the special joint study committee shall report its findings and recommendations, including any proposed legislation, to the governor and the general assembly prior to the conclusion of the organizational session of the One Hundred Third General Assembly, at which time the committee shall cease to exist.

On motion, Amendment No. 1 was adopted.

Rep. Brown moved that **House Joint Resolution No. 1191**, as amended, be adopted, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 91.

A motion to reconsider was tabled.



**\*House Bill No. 145** -- Hospitals and Health Care Facilities - Creates new class of health care facilities for facilities with less than 25 beds for purposes of assessing health care facility fees based on number of beds. Amends TCA Section 68-11-216. by \*Arriola, \*DeBerry L, \*Brooks, \*Bowers, \*Chumney. (SB759 by \*Henry, \*Dixon, \*Burks)

**BILL HELD ON DESK**

Rep. L. DeBerry moved that House Bill No. 145 be held on the Clerk's desk, which motion prevailed.

**SUPPLEMENTAL REGULAR CALENDAR, CONTINUED**

**\*House Joint Resolution No. 1037** -- General Assembly, Studies - Creates special joint committee to perform comprehensive analysis of municipal electric and rural electric cooperative pole attachment contracting practices and to recommend statutory changes to provide fair and equitable treatment. by \*Head.

Rep. Head moved adoption of House Joint Resolution No. 1037.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 1037 By deleting all language in the resolution after the caption, and by substituting instead the following language:

WHEREAS, federal law provides guidelines to define the relationship between users and owners of investor-owned utility poles; and

WHEREAS, the State of Tennessee, with one exception, currently has no investor-owned utilities; and

WHEREAS, the State of Tennessee currently has no laws affecting the best practices and conditions for the use of the poles owned by municipal electric systems and rural electric cooperatives; and

WHEREAS, The Tennessee General Assembly finds and declares that the citizens and businesses of Tennessee, through their electric rates, have paid and continue to pay for the capital costs and operating expenses associated with owning and maintaining the poles owned by municipal electric systems and rural electric cooperatives; and

WHEREAS, the Tennessee General Assembly finds and declares that operational practices of users of poles owned by municipal electric systems and rural electric cooperatives can, in some cases, increase costs of pole ownership and create public safety concerns; and

WHEREAS, the Tennessee General Assembly finds and declares that all users of poles owned by municipal electric systems and rural electric cooperatives are entitled to fair access to such poles, but must also assume a corresponding obligation to pay fair rates and observe fair operational practices; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to perform a comprehensive analysis of municipal electric systems and rural electric cooperative pole attachment practices.

BE IT FURTHER RESOLVED, That the special joint committee shall study the best practices by municipal electric systems and rural electric cooperative pole owners to promote fair and equal treatment for all pole users and for municipal electric systems and rural electric cooperatives and the Tennessee citizens and businesses that those electric systems serve.

BE IT FURTHER RESOLVED, That the special joint committee shall consist of three (3) members of the House State and Local Government Committee and three (3) members of the Senate State and Local Government Committee, to be appointed by the respective speakers. The speakers shall seek to appoint members who have demonstrated interest in the issue and who will serve actively and are fairly representative of the areas of the state served by municipal electric and rural electric cooperative systems.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, That the representatives of municipal electric systems and rural electric cooperative pole users and owners be asked to provide information, analyses, and recommendations to the special joint committee.

BE IT FURTHER RESOLVED, That in conducting research, making evaluations, and formulating its recommendations, the special joint committee shall include the following:

- (1) The impact that pole practices have on Tennessee consumers of telecommunications services;
- (2) The impact that pole practices have on Tennessee consumers of electric services;
- (3) The impact of the operational practices of pole users;
- (4) Current pole attachment contract provisions and the contracting practices of municipal electric systems and rural electric cooperatives;
- (5) Current pole attachment rates and practices in relation to the actual cost of pole maintenance and use; and

THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY

(6) Current pole attachment rates and practices in relation to the pole users' avoided costs of pole ownership, maintenance and use.

BE IT FURTHER RESOLVED, That the special joint committee shall perform a comprehensive analysis of municipal electric systems and rural electric cooperative pole attachment practices and recommend appropriate changes, if any are necessary, to provide fair and equitable treatment for all pole users and for municipal electric systems and rural electric cooperatives and the Tennessee citizens and businesses that those electric systems serve.

BE IT FURTHER RESOLVED, That the special joint committee shall hold hearings in the Fall of 2002.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting of the year shall elect a chair, vice-chair, and such other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the special joint committee shall timely report its findings and recommendations to the One Hundred Third General Assembly no later than February 28, 2003, at which time the committee shall cease to exist.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Head moved that **House Joint Resolution No. 1037**, as amended, be adopted, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

**House Bill No. 2500** -- Pensions and Retirement Benefits - Corrects statutory reference to superceded retirement systems within retirement benefit system election of option provision. Amends TCA Title 5, Chapter 1, Part 3; Title 8, Chapter 23; Title 8, Chapter 25; Title 8, Chapter 27; Title 8, Chapters 34 through 37; and Title 8, Chapter 50. by \*Rhinehart, \*Head. (\*SB2425 by \*Atchley)

Further consideration of House Bill No. 2500 previously considered on today's Calendar.

Rep. Kisber moved that Council on Pensions and Insurance Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2500 by deleting SECTIONS 1 – 2 of the printed bill in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-25-401, is amended by deleting the same in its entirety.

SECTION 2. Tennessee Code Annotated, Section 8-34-101(19), is amended by deleting the first sentence thereof in its entirety and by substituting instead the following:

"In-service" means a member who has not retired, has not been refunded and is within one hundred fifty (150) days of such member's last paid day of employment.

SECTION 3. Tennessee Code Annotated, Section 8-36-107(b), is amended by deleting the words and figures "one hundred twenty (120)" and by substituting instead the words and figures "one hundred fifty (150)".

SECTION 4. Tennessee Code Annotated, Section 8-35-111(b)(3), is amended by deleting the first two sentences thereof and by substituting instead the following:

(3) Any tax deferred retirement plan wherein total combined employer contributions to such plans, other than those made pursuant to a salary reduction agreement, do not exceed three percent (3%) of the employee's salary. Notwithstanding any other provision of the law to the contrary, an employer maintaining a tax deferred retirement plan shall not permit contributions to that plan which would exceed the limitations of the Internal Revenue Code, as amended.

SECTION 5. Tennessee Code Annotated, Section 8-35-111(b)(3)(A), is amended by deleting the same in its entirety and by substituting instead the following:

(A) All tax deferred retirement plans established by public employers participating in the state retirement system, wherein employer contributions are made, must be approved by the director of the state retirement system.

SECTION 6. Tennessee Code Annotated, Section 8-35-125, is amended by deleting the same in its entirety and by substituting instead the following:

(a) (1) Any member who is separated from service for reasons other than retirement or death may elect to forfeit all contributory and noncontributory service established by such member under chapters 34-37 of this title for the purpose of establishing such service in another state, federal, county or municipal retirement program.

(2) To be effective, the following conditions must be met:

(A) The member must not have received any retirement benefits based upon such service;

(B) The service must be creditable in the other retirement program;

(C) If any of the service is contributory service, the member must have taken a refund of the member's accumulated contributions pursuant to § 8-37-210;

(D) The member must forfeit all service established under chapters 34-37 of this title; and

(E) The member must sign and file with the retirement division a form whereon the member acknowledges that by forfeiting the service, the member shall not be entitled to reestablish the service in the retirement system so long as the member is entitled to retirement credit for such service in the other retirement program.

(3) A forfeiture of service made pursuant to this subsection shall terminate membership in the retirement system in accordance with the provisions of § 8-35-104 and shall constitute a waiver of all rights in the retirement system on account of the service forfeited.

(b)(1) Any member who has not separated from service may elect to forfeit all service established by such member as a result of employment rendered by the member in a particular employment category provided the forfeiture is for the purpose of establishing such service in another retirement plan operated by:

(A) the federal government;

(B) another state;

(C) a political subdivision of another state; or

(D) a Tennessee county or municipality that is not a participating employer under chapters 34 – 37 of this title.

For purposes of this subsection, an employment category shall mean employment as a general employee, state police officer, police officer, state judge, county judge, county official or attorney general as such terms are defined in § 8-34-101.

(2) To be effective, the following conditions must be met:

(A) The member must not have received any retirement benefits based upon such service;

(B) The service must be creditable in the other retirement program;

(C) If any of the service is contributory service, the member must take a refund of the member's accumulated contributions attributable to such service pursuant to § 8-37-210;

(D) The member must forfeit all service established by the member as a result of the member's employment in the particular employment category; and

(E) The member must sign and file with the retirement division a form whereon the member acknowledges that by forfeiting the service, the member shall not be entitled to reestablish the service in the retirement system so long as the member is entitled to retirement credit for such service in the other retirement program.

(3) A forfeiture of service made pursuant to this subsection shall constitute a waiver of all rights in the retirement system on account of the service forfeited.

SECTION 7. Tennessee Code Annotated, Section 8-36-108(b), is amended by deleting subdivision (7) thereof in its entirety and by redesignating the existing subdivisions accordingly.

SECTION 8. Tennessee Code Annotated, Title 8, Chapter 36, Part 1, is amended by adding the following as a new appropriately designated section:

8-36-1 \_\_\_\_\_. No benefit payable to a minor child under chapters 34 – 37 of this title shall be made until the guardian of such child has provided the retirement division with documentation establishing such guardianship. In the case of a parent, the documentation may consist of the child's birth certificate or record of adoption, whichever is applicable, and a certified statement from the parent that the parent is the legal guardian of the minor child. The retirement division shall be entitled to rely on such documentation and shall not be liable for damages or other payments by reason of any payment made in reliance thereon. Notwithstanding this section or any other law to the contrary, if the member designated a custodian pursuant to the Tennessee Uniform Transfers to Minors Act to receive benefits payable to a minor child under chapters 34 – 37 of this title and such designation was made in writing and on file with the retirement division, the benefits payable to such minor shall be made in the name of the minor and paid to the designated custodian pursuant to the Tennessee Uniform Transfers to Minors Act.

SECTION 9. Tennessee Code Annotated, Section 8-36-805(1), is amended by deleting the same in its entirety and by substituting instead the following:

(1) During a twelve-month period, that person does not work more than one hundred (100) days or the equivalent thereof; or if employed as a teacher by an institution of higher learning, twenty-one (21) quarter credit hours or fifteen (15) semester credit hours;

SECTION 10. Tennessee Code Annotated, Section 8-36-805, is amended by adding the following new subdivisions (2) and (3) and by redesignating the existing subdivisions according:

(2) For temporary employment periods commencing on or after July 1, 2002, the entire compensation payable to such retired member for the work shall not exceed an amount equal to the sum of one-half ( $\frac{1}{2}$ ) of the annual full-time salary received by the retired member in the year immediately prior to retirement, adjusted by five percent (5%) for each year since the member's retirement or by such other percentage as may be determined by the treasurer and the commissioner of personnel. In determining such percentage for any given year, the treasurer and the commissioner of personnel may consider any matter which, in their discretion, they deem relevant including, but not limited to, the condition of the labor market and the ability to fill the respective positions;

(3) The retired member may work in addition to the one hundred (100) days prescribed above an additional ninety (90) days during the twelve-month period if employed as a substitute teacher in a public school system; provided, that the superintendent of such school system certifies in writing to the division of retirement that no other qualified personnel are available to substitute teach during such period, and that the compensation payable to the retired member for such work does not exceed the rate of compensation set by the public school system for substitute teachers filling similar vacant positions; and provided further, that the total salary paid to any such retired member for teaching during the twelve-month period shall not exceed the pertinent pro rata share of average salary being paid at the institution in the academic discipline concerned;

SECTION 11. Tennessee Code Annotated, Section 8-36-805, is amended by deleting the current subdivision (3) in its entirety and by substituting instead the following:

(5) The commissioner of personnel, the speaker of the senate or house of representatives, the chief justice of the supreme court, the president of the University of Tennessee, the chancellor of the state board of regents, the executive officer or head of any department or agency of the political subdivision, or the superintendent of schools, whichever is applicable:

(A) Shall file a form with the board of trustees setting out the member's name, period to be employed, number of days to be worked, compensation to be paid and anticipated termination date; such form to be filed annually, if applicable, and signed by the member acknowledging the conditions of such return to service;

(B) Shall submit a statement showing working hours and compensation for the retiree when requested; and

(C) Shall be subject to audit to verify working hours and the compensation being paid;

SECTION 12. Tennessee Code Annotated, Section 8-36-805, is amended by deleting the current subdivision (4) in its entirety and by substituting instead the following:

(6) Should the period of return to service or the compensation therefor exceed that specified in this section, the person's monthly retirement allowance shall be reduced by the greater of the following:

(A) Each day worked in excess of the limitation shall result in the loss of one-twentieth (1/20<sup>th</sup>) of the monthly retirement allowance; or



(B) Any compensation received in excess of the limitation shall reduce the retirement allowance payable by the ratio such compensation exceeds the limitation;

SECTION 13. Tennessee Code Annotated, Section 8-37-104(a)(3), is amended by deleting the semicolon ";" at the end thereof and by substituting instead the following punctuation and words ". Provided, however, such percentage may be increased by the board with the subsequent approval of the council on pensions and insurance;".

SECTION 14. Tennessee Code Annotated, Section 8-37-108, is amended by adding the following new subsection (c) and by redesignating the current subsections accordingly.

(c) In addition to the members nominated pursuant to subsection (a) above, the treasurer may, at the treasurer's discretion, nominate two (2) additional members to the investment advisory council. One of the additional members shall be of a racial minority and the other shall be female. Both members shall have at least five (5) years' professional experience as a portfolio manager, economist or investment manager in any field for which investments of Tennessee consolidated retirement system funds are authorized or as a university professor in the school of business, finance, investments or economics. Any such nomination shall be with the advice and consent of the board of trustees. The terms of office of the additional members shall be for three (3) years with the terms beginning on July 1 and ending on June 30 of the appropriate years.

SECTION 15. Tennessee Code Annotated, Section 8-37-214(g), is amended by deleting the same in its entirety and by substituting instead the following:

(g)(1) Lump sum payments to establish service credit in the Tennessee consolidated retirement system in accordance with this section and chapter 34, part 6 of this title may be funded in whole or in part through amounts transferred from a tax deferred retirement account to the Tennessee consolidated retirement system. For the purposes of this subsection, amounts transferred from a tax deferred retirement account means:

(A) Amounts transferred to the Tennessee consolidated retirement system directly from a tax deferred retirement account that are eligible for tax free rollover treatment under the Internal Revenue Code; or

(B) Lump sum distributions received by a member from a tax deferred retirement account that are eligible for tax free rollover treatment and which are transferred by the member to the Tennessee consolidated retirement system within sixty (60) days following the member's receipt of such lump sum distribution.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

(2) Prior to accepting any such transfers, the consolidated retirement system may require the member to establish that the amounts to be transferred meet the requirements of this subsection and the Internal Revenue Code. Amounts transferred shall not be forfeitable for any reason and may not be distributed to the member except as otherwise provided in this chapter and chapters 34-36 of this title.

(3) This subsection will be administered in accordance with the rollover provisions of the Internal Revenue Code.

SECTION 16. Tennessee Code Annotated, Title 8, Chapter 23, Part 2, is amended by adding the following new section:

8-23-2 \_\_\_\_\_. Effective July 1, 2002, any self-sustaining board, commission or agency created by the supreme court of Tennessee shall be deemed a state agency and all employees of such boards, commissions or agencies shall be deemed state employees and shall be entitled to the same rights and benefits enjoyed by other state employees. Except as otherwise provided in this act, any payments or benefit accruals that would have been payable to or accrued by such employees had they been deemed state employees prior to July 1, 2002 shall not apply retroactively but shall apply for periods commencing after June 30, 2002.

SECTION 17. Tennessee Code Annotated, Section 8-23-206, is amended by adding the following as a new subsection (e) and by redesignating the existing subsection (e) accordingly:

(e) Effective July 1, 2002, an employee of any board, commission or agency created by the supreme court of Tennessee shall be eligible for longevity pay under the same terms and conditions that apply to state employees. Eligible employees who have prior service with any such board, commission or agency shall receive longevity credit for each year of such service provided such service would otherwise be creditable for longevity purposes. Longevity benefits provided by this subsection shall not be paid retroactive. The benefits shall be payable only for periods commencing after June 30, 2002 and shall be paid at the end of the month following the month in which the employee's service anniversary date falls.

SECTION 18. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by adding the following as a new appropriately designated section:

8-50-8 \_\_\_\_\_. (a) An employee of any board, commission or agency created by the supreme court of Tennessee shall be eligible to accrue leave commencing July 1, 2002 pursuant to the provisions of this part that apply to state employees. Any years of service rendered by the employee to any such board, commission or agency prior to July 1, 2002 shall be used in determining accrual rates and maximum accrual limits.

(b) Any unused leave accrued prior to July 1, 2002 while employed by any board, commission or agency described in subsection (a) shall be considered accumulated leave for purposes of this part provided that:

(1) the administrative office of the courts certifies that the leave for which credit is being sought actually is accrued and due and is substantiated by records of the applicable board, commission or agency compiled during the course of employment for which the leave was earned and not from records compiled solely for purposes of establishing leave credit; and

(2) the amount of accrued leave shall not exceed the amount that would have been accumulated under this part had the employees been deemed state employees prior to July 1, 2002.

SECTION 19. Tennessee Code Annotated, Section 8-27-205(b)(2), is amended by adding the following new sentence at the end thereof:

"Years of service", as used in this subsection, shall also mean those years of service rendered by a retiree prior to July 1, 2002 as an employee of any board, commission or agency created by the supreme court of Tennessee, regardless of whether the retiree established such service in the consolidated retirement system pursuant to Section 20 of this act.

SECTION 20. Tennessee Code Annotated, Title 8, Chapter 35, Part 1, is amended by adding the following as a new appropriately designated section:

8-35-1 \_\_\_\_\_. (a) Effective July 1, 2002, all present and future employees of any self-sustaining board, commission or agency created by the supreme court of Tennessee shall participate in the Tennessee consolidated retirement system as a condition of employment and any pre-existing employee pension or retirement program maintained by any such board, commission or agency shall be closed. Except as otherwise provided in this section, the membership of such employees in the retirement system shall be governed by the same terms and conditions applicable to state general employees as such term is defined in § 8-34-101(18).

(b) Notwithstanding any other law to the contrary, all years of service rendered by a member prior to July 1, 2002 as an employee of any board, commission or agency described in subsection (a) above shall be used in determining eligibility for a service retirement allowance pursuant to § 8-36-201, an early service retirement allowance pursuant to § 8-36-301 and for calculating the years of creditable service projection under § 8-36-501(c)(2) and (c)(3), regardless of whether the member established such service in retirement system pursuant to subsection (c) below. Unless established pursuant to subsection (c) below, the service shall only be credited for the purpose of establishing eligibility for a service or early service retirement allowance or for calculating the years of creditable service projection under § 8-36-501(c)(2) and (c)(3), and shall not be used for any other purpose including, but not limited to, § 8-34-605. No benefit shall be paid on such service unless established pursuant to subsection (c) below.

(c) Any member or retired member of the retirement system shall be entitled to establish retirement credit for previous service rendered to any board, commission or agency described in subsection (a) above. Notwithstanding any other law to the contrary, the establishment of such prior service shall be subject to following terms and conditions:

(1) For service rendered prior to the effective date of the member's participation in any pre-existing employee pension or retirement program maintained by any such board, commission or agency, the member or retired member must make a back payment to the retirement system equal to:

(A) the amount of employee contributions such member would have made had the member been a member of the retirement system during that time, plus

(B) interest on said amount at the rate provided in § 8-37-214.

(2) For service rendered on or after the effective date of the member's participation in any pre-existing employee pension or retirement program maintained by any such board, commission or agency, the member or retired member must make a back payment to the retirement system equal to:

(A) the amount of employer contributions which would have been made had the member been a member of the retirement system during that time, plus

(B) interest on said amount at the rate provided in § 8-37-214.

(3) A member or retired member applying for prior service credit under this subsection for service rendered during any period from July 1, 1981 through the effective date of the member's participation in any pre-existing employee pension or retirement program maintained by any board, commission or agency described in subsection (a) must establish all prior service creditable under this section before being eligible to establish such service. Until all such service is established, no prior service credit purchased under this section shall be used in determining any rights or benefits under the retirement system until all service creditable under this subsection has been established.

(4) For service rendered prior July 1, 1981 and for service rendered on or after the effective date of the member's participation in any pre-existing employee pension or retirement program maintained by any such board, commission or agency described in subsection (a), the member may establish all or a portion of such service provided that the service being established must be for service rendered most recent in time.

(5) The one (1) year membership service requirement of § 8-37-214 shall not apply to service established under this subsection.

(6) The payment required to establish the prior service credit may be made in a lump sum or through monthly installments pursuant to § 8-37-220. Any lump sum payment to establish the service may be made through amounts transferred from any pension plan maintained on behalf of the member by any such board, commission or agency. If the member elects to establish the credit through monthly installments, no amount may be transferred from such other pension plan unless the transfer is being made to pay-off the remaining balance owed under the installment arrangement. Notwithstanding § 8-35-111 or any other law to the contrary, if the cost to establish the credit is not funded in whole or in part from amounts transferred by the member from such other pension plan, the member shall be permitted to retain ownership of such amounts without violating § 8-35-111.

(7) Retirement credit being established through monthly installments cannot be used in determining any rights or benefits under the retirement system until all payments for the same have been received by the retirement system.

(c) Service established in accordance with the section shall be credited in Group 1 only.

SECTION 21. Tennessee Code Annotated, Section 8-34-101(14)(B), is amended by deleting the semicolon ";" at the end thereof and by substituting instead the following punctuation and words:

"Earnable compensation" shall also include for any general employee in the executive, legislative, or judicial branch of government any compensation paid under § 3-1-106(f) and any non-cash compensation falling under Internal Revenue Service Regulation Section 1.61-2T(d) as such Section exists on the effective date of this act, if such compensation was includable in gross income for federal income tax purposes and was subject to contributions under the provisions of the Federal Insurance Contributions Act;

SECTION 22. Tennessee Code Annotated, Section 8-36-107(c), is amended by deleting the same in its entirety and by substituting instead the following:

(c) Notwithstanding any provision of this section to the contrary, if a member described in subsection (a) dies while on an approved medical leave of absence, an additional amount equal to such member's accumulated contributions shall be paid in accordance with subsection (a); provided, that:

(1) The member maintained health insurance coverage through the member's employer;

(2) The member dies within one (1) year upon being approved for the leave of absence; and

(3) No benefit is payable under §§ 8-36-108, 8-36-109 or part 6 of this chapter.

(d) Any person who is entitled to receive a retirement allowance under §§ 8-36-108, 8-36-109 or part 6 of this chapter on account of the death of a member prior to retirement may elect to receive the benefits provided in subsection (a) or (b) of this section in lieu of the benefits to which such person would otherwise be entitled.

SECTION 23. Tennessee Code Annotated, Title 8, Chapter 35, Part 2, is amended by adding the following as a new appropriately designated section:

8-35-2 \_\_\_\_\_. (a) Workforce Solutions, which is the entity engaged in the administration of the programs authorized under the Workforce Investment Act of 1998 (29 U.S.C. § 2801 et seq.) on behalf of Local Workforce Investment Area 6, shall be eligible to be a participating employer in the Tennessee consolidated retirement system upon satisfying the following conditions

(1) The county executives of the counties that comprise Local Workforce Investment Area 6 pass a resolution authorizing an actuarial study to determine the liability associated with such participation, and accepting responsibility for the costs of such study; and

(2) Following receipt of the actuarial study, such county executives pass a resolution authorizing such participation and agreeing that the liability therefor shall be paid from funds allocated to the Local Workforce Investment Area 6 by grant, contract or otherwise from state, local or federal sources.

(b) The employees of Workforce Solutions shall make the same contributions, participate in the same manner, and shall be eligible for the same benefits as employees of local governments participating in the retirement system under this part.

(c) Such employees shall be entitled to credit for such prior service as approved by the county executives described in subsection (a) above under the same provisions which apply to employees of local governments.

(d) In case of the withdrawal of Workforce Solutions as a participating employer, the benefits of members and beneficiaries shall be determined in accordance with the provisions of § 8-35-211.

(e) The retirement system shall not be liable for the payment of retirement allowances or other benefits on account of employees of Workforce Solutions or their beneficiaries for which reserves have not been previously created from funds contributed by Workforce Solutions or its employees, or both.

(f) It is the legislative intent that the state shall realize no increased cost as a result of this section. All costs associated with retirement coverage, including administrative costs, shall be the responsibility of Workforce Solutions.

SECTION 24. Tennessee Code Annotated, Section 8-36-111, is amended by deleting the same in its entirety and by substituting instead the following:

All retirement allowances and other benefits accrued or accruing to any person under the provisions of chapters 34-37 of this title, the accumulated contributions of members and the cash and assets in the funds created under chapters 34-37 of this title shall not be subject to execution, attachment, garnishment, or other process whatsoever, nor shall any assignment thereof be enforceable in any court.

SECTION 25. The provisions of Sections 21 and 22 of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 26. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 28. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 2 was adopted.

**BILL HELD ON DESK**

On motion, House Bill No. 2500 was held on the Clerk's desk.

**SUPPLEMENTAL REGULAR CALENDAR, CONTINUED**

**\*Senate Bill No. 41** -- Sunset Laws - Commission of Indian affairs, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 34, by \*Harper. (HB1617 by \*Kernell, \*Cooper B, \*Arriola, \*Windle, \*Dunn, \*Fraleley, \*Tindell, \*Phelan, \*Davis (Washington), \*Fitzhugh, \*Ferguson, \*Bone, \*White, \*Turner (Shelby), \*Winningham, \*Maddox, \*Armstrong, \*Goins, \*Pinion)

Further consideration of Senate Bill No. 41 previously considered on today's Calendar at which time the House withdrew Amendment(s) No(s). 1, 3 and 4 and adopted Amendment(s) No(s). 2, 5 and 6.

Rep. Kernell moved that **Senate Bill No. 41**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Bittle, McDaniel, Stanley -- 3.

A motion to reconsider was tabled.



REGULAR CALENDAR

**\*House Bill No. 2992** -- State Employees - Changes minimum state contribution to state employees' health insurance from 60 percent of premiums to 80 percent. Amends TCA Section 8-27-201. by \*Head, \*Langster, \*Davidson, \*Jones, S., \*Pruitt, \*Arriola, \*Briley, \*Turner (Davidson), \*Brown. (SB3126 by \*Rochelle)

Further consideration of House Bill No. 2992 previously considered on April 3, 2002, April 10, 2002 and April 24, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 2992 was made to conform with **Senate Bill No. 3126**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that **Senate Bill No. 3126** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....89  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

SPECIAL ORDER

Without objection, Rep. Head called up House Bill No. 2500 from the Clerk's desk as follows:

**House Bill No. 2500** -- Pensions and Retirement Benefits - Corrects statutory reference to superceded retirement systems within retirement benefit system election of option provision. Amends TCA Title 5, Chapter 1, Part 3; Title 8, Chapter 23; Title 8, Chapter 25; Title 8, Chapter 27; Title 8, Chapters 34 through 37; and Title 8, Chapter 50. by \*Rhinehart, \*Head. (\*SB2425 by \*Atchley)

Further consideration of House Bill No. 2500 previously considered on today's Calendar at which time the House withdrew Amendment(s) No(s). 1 and adopted Amendment(s) No(s). 2.

Rep. Head moved that the House reconsider its action in adopting Amendment No. 2, which motion prevailed.

Rep. Head moved that Amendment No. 2 be withdrawn, which motion prevailed.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

On motion, House Bill No. 2500 was made to conform with **Senate Bill No. 2425**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that Senate Bill No. 2425 be passed on third and final consideration.

Rep. Head moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 2425 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-25-401, is amended by deleting the same in its entirety.

SECTION 2. Tennessee Code Annotated, Section 8-34-101(19), is amended by deleting the first sentence thereof in its entirety and by substituting instead the following:

"In-service" means a member who has not retired, has not been refunded and is within one hundred fifty (150) days of such member's last paid day of employment.

SECTION 3. Tennessee Code Annotated, Section 8-36-107(b), is amended by deleting the words and figures "one hundred twenty (120)" and by substituting instead the words and figures "one hundred fifty (150)".

SECTION 4. Tennessee Code Annotated, Section 8-35-111(b)(3), is amended by deleting the first two sentences thereof and by substituting instead the following:

(3) Any tax deferred retirement plan wherein total combined employer contributions to such plans, other than those made pursuant to a salary reduction agreement, do not exceed three percent (3%) of the employee's salary. Notwithstanding any other provision of the law to the contrary, an employer maintaining a tax deferred retirement plan shall not permit contributions to that plan which would exceed the limitations of the Internal Revenue Code, as amended.

SECTION 5. Tennessee Code Annotated, Section 8-35-111(b)(3)(A), is amended by deleting the same in its entirety and by substituting instead the following:

(A) All tax deferred retirement plans established by public employers participating in the state retirement system, wherein employer contributions are made, must be approved by the director of the state retirement system.

SECTION 6. Tennessee Code Annotated, Section 8-35-125, is amended by deleting the same in its entirety and by substituting instead the following:

(a) (1) Any member who is separated from service for reasons other than retirement or death may elect to forfeit all contributory and noncontributory service established by such member under chapters 34-37 of this title for the purpose of establishing such service in another state, federal, county or municipal retirement program.

(2) To be effective, the following conditions must be met:

(A) The member must not have received any retirement benefits based upon such service;

(B) The service must be creditable in the other retirement program;

(C) If any of the service is contributory service, the member must have taken a refund of the member's accumulated contributions pursuant to § 8-37-210;

(D) The member must forfeit all service established under chapters 34-37 of this title; and

(E) The member must sign and file with the retirement division a form whereon the member acknowledges that by forfeiting the service, the member shall not be entitled to reestablish the service in the retirement system so long as the member is entitled to retirement credit for such service in the other retirement program.

(3) A forfeiture of service made pursuant to this subsection shall terminate membership in the retirement system in accordance with the provisions of § 8-35-104 and shall constitute a waiver of all rights in the retirement system on account of the service forfeited.

(b) (1) Any member who has not separated from service may elect to forfeit all service established by such member as a result of employment rendered by the member in a particular employment category provided the forfeiture is for the purpose of establishing such service in another retirement plan operated by:

(A) the federal government;

(B) another state;

(C) a political subdivision of another state; or

(D) a Tennessee county or municipality that is not a participating employer under chapters 34 – 37 of this title.

For purposes of this subsection, an employment category shall mean employment as a general employee, state police officer, police officer, state judge, county judge, county official or attorney general as such terms are defined in § 8-34-101.

(2) To be effective, the following conditions must be met:

(A) The member must not have received any retirement benefits based upon such service;

(B) The service must be creditable in the other retirement program;

(C) If any of the service is contributory service, the member must take a refund of the member's accumulated contributions attributable to such service pursuant to § 8-37-210;

(D) The member must forfeit all service established by the member as a result of the member's employment in the particular employment category; and

(E) The member must sign and file with the retirement division a form whereon the member acknowledges that by forfeiting the service, the member shall not be entitled to reestablish the service in the retirement system so long as the member is entitled to retirement credit for such service in the other retirement program.

(3) A forfeiture of service made pursuant to this subsection shall constitute a waiver of all rights in the retirement system on account of the service forfeited.

SECTION 7. Tennessee Code Annotated, Section 8-36-108(b), is amended by deleting subdivision (7) thereof in its entirety and by redesignating the existing subdivisions accordingly.

SECTION 8. Tennessee Code Annotated, Title 8, Chapter 36, Part 1, is amended by adding the following as a new appropriately designated section:

8-36-1 \_\_\_\_\_. No benefit payable to a minor child under chapters 34 – 37 of this title shall be made until the guardian of such child has provided the retirement division with documentation establishing such guardianship. In the case of a parent, the documentation may consist of the child's birth certificate or record of adoption, whichever is applicable, and a certified statement from the parent that the parent is the legal guardian of the minor child. The retirement division shall be entitled to rely on such documentation and shall not be liable for damages or other payments by reason of any payment made in reliance thereon. Notwithstanding this section or any other law to the contrary, if the member designated a custodian pursuant to the Tennessee Uniform Transfers to Minors Act to receive benefits payable to a minor child under chapters 34 – 37 of this title and such designation was made in writing and on file with the retirement division, the benefits payable to such minor shall be made in the name of the minor and paid to the designated custodian pursuant to the Tennessee Uniform Transfers to Minors Act.

SECTION 9. Tennessee Code Annotated, Section 8-36-805(1), is amended by deleting the same in its entirety and by substituting instead the following:

(1) During a twelve-month period, that person does not work more than one hundred (100) days or the equivalent thereof; or if employed as a teacher by an institution of higher learning, twenty-one (21) quarter credit hours or fifteen (15) semester credit hours;

SECTION 10. Tennessee Code Annotated, Section 8-36-805, is amended by adding the following new subdivisions (2) and (3) and by redesignating the existing subdivisions according:

(2) For temporary employment periods commencing on or after July 1, 2002, the entire compensation payable to such retired member for the work shall not exceed an amount equal to the sum of one-half ( $\frac{1}{2}$ ) of the annual full-time salary received by the retired member in the year immediately prior to retirement, adjusted by five percent (5%) for each year since the member's retirement or by such other percentage as may be determined by the treasurer and the commissioner of personnel. In determining such percentage for any given year, the treasurer and the commissioner of personnel may consider any matter which, in their discretion, they deem relevant including, but not limited to, the condition of the labor market and the ability to fill the respective positions;

(3) The retired member may work in addition to the one hundred (100) days prescribed above an additional ninety (90) days during the twelve-month period if employed as a substitute teacher in a public school system; provided, that the superintendent of such school system certifies in writing to the division of retirement that no other qualified personnel are available to substitute teach during such period, and that the compensation payable to the retired member for such work does not exceed the rate of compensation set by the public school system for substitute teachers filling similar vacant positions; and provided further, that the total salary paid to any such retired member for teaching during the twelve-month period shall not exceed the pertinent pro rata share of average salary being paid at the institution in the academic discipline concerned;

SECTION 11. Tennessee Code Annotated, Section 8-36-805, is amended by deleting the current subdivision (3) in its entirety and by substituting instead the following:

(5) The commissioner of personnel, the speaker of the senate or house of representatives, the chief justice of the supreme court, the president of the University of Tennessee, the chancellor of the state board of regents, the executive officer or head of any department or agency of the political subdivision, or the superintendent of schools, whichever is applicable:

(A) Shall file a form with the board of trustees setting out the member's name, period to be employed, number of days to be worked, compensation to be paid and anticipated termination date; such form to be filed annually, if applicable, and signed by the member acknowledging the conditions of such return to service;

(B) Shall submit a statement showing working hours and compensation for the retiree when requested; and

(C) Shall be subject to audit to verify working hours and the compensation being paid;

SECTION 12. Tennessee Code Annotated, Section 8-36-805, is amended by deleting the current subdivision (4) in its entirety and by substituting instead the following:

(6) Should the period of return to service or the compensation therefor exceed that specified in this section, the person's monthly retirement allowance shall be reduced by the greater of the following:

(A) Each day worked in excess of the limitation shall result in the loss of one-twentieth ( $1/20^{th}$ ) of the monthly retirement allowance; or

(B) Any compensation received in excess of the limitation shall reduce the retirement allowance payable by the ratio such compensation exceeds the limitation;

SECTION 13. Tennessee Code Annotated, Section 8-37-104(a)(3), is amended by deleting the semicolon ";" at the end thereof and by substituting instead the following punctuation and words ". Provided, however, such percentage may be increased by the board with the subsequent approval of the council on pensions and insurance;".

SECTION 14. Tennessee Code Annotated, Section 8-37-108, is amended by adding the following new subsection (c) and by redesignating the current subsections accordingly.

(c) In addition to the members nominated pursuant to subsection (a) above, the treasurer may, at the treasurer's discretion, nominate two (2) additional members to the investment advisory council. One of the additional members shall be of a racial minority and the other shall be female. Both members shall have at least five (5) years' professional experience as a portfolio manager, economist or investment manager in any field for which investments of Tennessee consolidated retirement system funds are authorized or as a university professor in the school of business, finance, investments or economics. Any such nomination shall be with the advice and consent of the board of trustees. The terms of office of the additional members shall be for three (3) years with the terms beginning on July 1 and ending on June 30 of the appropriate years.

SECTION 15. Tennessee Code Annotated, Section 8-37-214(g), is amended by deleting the same in its entirety and by substituting instead the following:

(g)(1) Lump sum payments to establish service credit in the Tennessee consolidated retirement system in accordance with this section and chapter 34, part 6 of this title may be funded in whole or in part through amounts transferred from a tax deferred retirement account to the Tennessee consolidated retirement system. For the purposes of this subsection, amounts transferred from a tax deferred retirement account means:

(A) Amounts transferred to the Tennessee consolidated retirement system directly from a tax deferred retirement account that are eligible for tax free rollover treatment under the Internal Revenue Code; or

(B) Lump sum distributions received by a member from a tax deferred retirement account that are eligible for tax free rollover treatment and which are transferred by the member to the Tennessee consolidated retirement system within sixty (60) days following the member's receipt of such lump sum distribution.

(2) Prior to accepting any such transfers, the consolidated retirement system may require the member to establish that the amounts to be transferred meet the requirements of this subsection and the Internal Revenue Code. Amounts transferred shall not be forfeitable for any reason and may not be distributed to the member except as otherwise provided in this chapter and chapters 34-36 of this title.

(3) This subsection will be administered in accordance with the rollover provisions of the Internal Revenue Code.

SECTION 16. Tennessee Code Annotated, Title 8, Chapter 23, Part 2, is amended by adding the following new section:

8-23-2 \_\_\_\_\_. Effective July 1, 2002, any self-sustaining board, commission or agency created by the supreme court of Tennessee shall be deemed a state agency and all employees of such boards, commissions or agencies shall be deemed state employees and shall be entitled to the same rights and benefits enjoyed by other state employees. Except as otherwise provided in this act, any payments or benefit accruals that would have been payable to or accrued by such employees had they been deemed state employees prior to July 1, 2002 shall not apply retroactively but shall apply for periods commencing after June 30, 2002.

SECTION 17. Tennessee Code Annotated, Section 8-23-206, is amended by adding the following as a new subsection (e) and by redesignating the existing subsection (e) accordingly:

(e) Effective July 1, 2002, an employee of any board, commission or agency created by the supreme court of Tennessee shall be eligible for longevity pay under the same terms and conditions that apply to state employees. Eligible employees who have prior service with any such board, commission or agency shall receive longevity credit for each year of such service provided such service would otherwise be creditable for longevity purposes. Longevity benefits provided by this subsection shall not be paid retroactive. The benefits shall be payable only for periods commencing after June 30, 2002 and shall be paid at the end of the month following the month in which the employee's service anniversary date falls.

SECTION 18. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by adding the following as a new appropriately designated section:

8-50-8 \_\_\_\_\_. (a) An employee of any board, commission or agency created by the supreme court of Tennessee shall be eligible to accrue leave commencing July 1, 2002 pursuant to the provisions of this part that apply to state employees. Any years of service rendered by the employee to any such board, commission or agency prior to July 1, 2002 shall be used in determining accrual rates and maximum accrual limits.



(b) Any unused leave accrued prior to July 1, 2002 while employed by any board, commission or agency described in subsection (a) shall be considered accumulated leave for purposes of this part provided that:

(1) the administrative office of the courts certifies that the leave for which credit is being sought actually is accrued and due and is substantiated by records of the applicable board, commission or agency compiled during the course of employment for which the leave was earned and not from records compiled solely for purposes of establishing leave credit; and

(2) the amount of accrued leave shall not exceed the amount that would have been accumulated under this part had the employees been deemed state employees prior to July 1, 2002.

SECTION 19. Tennessee Code Annotated, Section 8-27-205(b)(2), is amended by adding the following new sentence at the end thereof:

"Years of service", as used in this subsection, shall also mean those years of service rendered by a retiree prior to July 1, 2002 as an employee of any board, commission or agency created by the supreme court of Tennessee, regardless of whether the retiree established such service in the consolidated retirement system pursuant to Section 20 of this act.

SECTION 20. Tennessee Code Annotated, Title 8, Chapter 35, Part 1, is amended by adding the following as a new appropriately designated section:

8-35-1 \_\_\_\_\_. (a) Effective July 1, 2002, all present and future employees of any self-sustaining board, commission or agency created by the supreme court of Tennessee shall participate in the Tennessee consolidated retirement system as a condition of employment and any pre-existing employee pension or retirement program maintained by any such board, commission or agency shall be closed. Except as otherwise provided in this section, the membership of such employees in the retirement system shall be governed by the same terms and conditions applicable to state general employees as such term is defined in § 8-34-101(18).

(b) Notwithstanding any other law to the contrary, all years of service rendered by a member prior to July 1, 2002 as an employee of any board, commission or agency described in subsection (a) above shall be used in determining eligibility for a service retirement allowance pursuant to § 8-36-201, an early service retirement allowance pursuant to § 8-36-301 and for calculating the years of creditable service projection under § 8-36-501(c)(2) and (c)(3), regardless of whether the member established such service in retirement system pursuant to subsection (c) below. Unless established pursuant to subsection (c) below, the service shall only be credited for the purpose of establishing eligibility for a service or early service retirement allowance or for calculating the years of creditable service projection under § 8-36-501(c)(2) and (c)(3), and shall not be used for any other purpose including, but not limited to, § 8-34-605. No benefit shall be paid on such service unless established pursuant to subsection (c) below.

(c) Any member or retired member of the retirement system shall be entitled to establish retirement credit for previous service rendered to any board, commission or agency described in subsection (a) above. Notwithstanding any other law to the contrary, the establishment of such prior service shall be subject to following terms and conditions:

(1) For service rendered prior to the effective date of the member's participation in any pre-existing employee pension or retirement program maintained by any such board, commission or agency, the member or retired member must make a back payment to the retirement system equal to:

(A) the amount of employee contributions such member would have made had the member been a member of the retirement system during that time, plus

(B) interest on said amount at the rate provided in § 8-37-214.

(2) For service rendered on or after the effective date of the member's participation in any pre-existing employee pension or retirement program maintained by any such board, commission or agency, the member or retired member must make a back payment to the retirement system equal to:

(A) the amount of employer contributions which would have been made had the member been a member of the retirement system during that time, plus

(B) interest on said amount at the rate provided in § 8-37-214.

(3) A member or retired member applying for prior service credit under this subsection for service rendered during any period from July 1, 1981 through the effective date of the member's participation in any pre-existing employee pension or retirement program maintained by any board, commission or agency described in subsection (a) must establish all prior service creditable under this section before being eligible to establish such service. Until all such service is established, no prior service credit purchased under this section shall be used in determining any rights or benefits under the retirement system until all service creditable under this subsection has been established.

(4) For service rendered prior July 1, 1981 and for service rendered on or after the effective date of the member's participation in any pre-existing employee pension or retirement program maintained by any such board, commission or agency described in subsection (a), the member may establish all or a portion of such service provided that the service being established must be for service rendered most recent in time.

(5) The one (1) year membership service requirement of § 8-37-214 shall not apply to service established under this subsection.

(6) The payment required to establish the prior service credit may be made in a lump sum or through monthly installments pursuant to § 8-37-220. Any lump sum payment to establish the service may be made through amounts transferred from any pension plan maintained on behalf of the member by any such board, commission or agency. If the member elects to establish the credit through monthly installments, no amount may be transferred from such other pension plan unless the transfer is being made to pay-off the remaining balance owed under the installment arrangement. Notwithstanding § 8-35-111 or any other law to the contrary, if the cost to establish the credit is not funded in whole or in part from amounts transferred by the member from such other pension plan, the member shall be permitted to retain ownership of such amounts without violating § 8-35-111.

(7) Retirement credit being established through monthly installments cannot be used in determining any rights or benefits under the retirement system until all payments for the same have been received by the retirement system.

(c) Service established in accordance with the section shall be credited in Group 1 only.

SECTION 21. Tennessee Code Annotated, Section 8-34-101(14)(B), is amended by deleting the semicolon ";" at the end thereof and by substituting instead the following punctuation and words:

"Earnable compensation" shall also include for any general employee in the executive, legislative, or judicial branch of government any compensation paid under § 3-1-106(f) and any non-cash compensation falling under Internal Revenue Service Regulation Section 1.61-2T(d) as such Section exists on the effective date of this act, if such compensation was includable in gross income for federal income tax purposes and was subject to contributions under the provisions of the Federal Insurance Contributions Act;

SECTION 22. Tennessee Code Annotated, Section 8-36-107(c), is amended by deleting the same in its entirety and by substituting instead the following:

(c) Notwithstanding any provision of this section to the contrary, if a member described in subsection (a) dies while on an approved medical leave of absence, an additional amount equal to such member's accumulated contributions shall be paid in accordance with subsection (a); provided, that:

(1) The member maintained health insurance coverage through the member's employer;

(2) The member dies within one (1) year upon being approved for the leave of absence; and

(3) No benefit is payable under §§ 8-36-108, 8-36-109 or part 6 of this chapter.

(d) Any person who is entitled to receive a retirement allowance under §§ 8-36-108, 8-36-109 or part 6 of this chapter on account of the death of a member prior to retirement may elect to receive the benefits provided in subsection (a) or (b) of this section in lieu of the benefits to which such person would otherwise be entitled.

SECTION 23. Tennessee Code Annotated, Title 8, Chapter 35, Part 2, is amended by adding the following as a new appropriately designated section:

8-35-2 \_\_\_\_\_. (a) Workforce Solutions, which is the entity engaged in the administration of the programs authorized under the Workforce Investment Act of 1998 (29 U.S.C. § 2801 et seq.) on behalf of Local Workforce Investment Area 6, shall be eligible to be a participating employer in the Tennessee consolidated retirement system upon satisfying the following conditions

(1) The county executives of the counties that comprise Local Workforce Investment Area 6 pass a resolution authorizing an actuarial study to determine the liability associated with such participation, and accepting responsibility for the costs of such study; and

(2) Following receipt of the actuarial study, such county executives pass a resolution authorizing such participation and agreeing that the liability therefor shall be paid from funds allocated to the Local Workforce Investment Area 6 by grant, contract or otherwise from state, local or federal sources.

(b) The employees of Workforce Solutions shall make the same contributions, participate in the same manner, and shall be eligible for the same benefits as employees of local governments participating in the retirement system under this part.

(c) Such employees shall be entitled to credit for such prior service as approved by the county executives described in subsection (a) above under the same provisions which apply to employees of local governments.

(d) In case of the withdrawal of Workforce Solutions as a participating employer, the benefits of members and beneficiaries shall be determined in accordance with the provisions of § 8-35-211.

(e) The retirement system shall not be liable for the payment of retirement allowances or other benefits on account of employees of Workforce Solutions or their beneficiaries for which reserves have not been previously created from funds contributed by Workforce Solutions or its employees, or both.

(f) It is the legislative intent that the state shall realize no increased cost as a result of this section. All costs associated with retirement coverage, including administrative costs, shall be the responsibility of Workforce Solutions.

SECTION 24. Tennessee Code Annotated, Section 8-36-111, is amended by deleting the same in its entirety and by substituting instead the following:

All retirement allowances and other benefits accrued or accruing to any person under the provisions of chapters 34-37 of this title, the accumulated contributions of members and the cash and assets in the funds created under chapters 34-37 of this title shall not be subject to execution, attachment, garnishment, or other process whatsoever, nor shall any assignment thereof be enforceable in any court.

SECTION 25. The provisions of Sections 21 and 22 of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 26. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 27. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Head moved that **Senate Bill No. 2425**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

A motion to reconsider was tabled.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 150** -- Cocke County - Subject to local approval, declares shipment, possession, use, or sale of fireworks to be illegal act other than for public display by holders of permit for public display, by \*Davis (Cocke). (SB26 by \*Haun)

Further consideration of House Bill No. 150 previously considered on January 28, 2002, January 31, 2002, February 21, 2002 and March 25, 2002, at which time it was reset for today's Calendar.

#### BILLS WITHDRAWN

On motion of Rep. Davis (Cocke), **House Bill No. 150** was withdrawn from the House.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2831** -- Election Laws - Enacts "Tennessee Provisional Voting Rights Act of 2002." Amends TCA Section 2-7-112. by \*Briley, \*Jones, S.. (\*SB2583 by \*Burks)

Further consideration of House Bill No. 2831 previously considered on April 24, 2002, May 1, 2002 and May 8, 2002, at which time it was reset for today's Calendar.

**BILL HELD ON DESK**

Rep. Briley moved that House Bill No. 2831 be held on the Clerk's desk, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**Senate Bill No. 3020** -- Sewage - Extends from two to four years department of environment and conservation pilot project study of advanced treatment systems (ATS); classifies as Class C misdemeanor each failure of ATS manufacturer to comply with operation and maintenance check requirements. Amends TCA Title 68, Chapter 221, Part 4. by \*Wilder. (\*HB2960 by \*Fitzhugh)

Further consideration of Senate Bill No. 3020 previously considered on May 8, 2002, May 22, 2002 and May 29, 2002 at which time the bill was reset for today's calendar. The bill was also considered on April 24, 2002 and May 1, 2002, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 1.

Rep. Fitzhugh requested that Senate Bill No. 3020 be moved to the heel of the Calendar.

**House Bill No. 1036** -- Employees, Employers - Authorizes police department employee to request monthly payroll deduction for membership dues in employee association; requires political subdivision to comply with request if 10 percent of all employees belong to association. Amends TCA Title 7, Chapter 51, Part 2. by \*West. (\*SB817 by \*Davis L)

Further consideration of House Bill No. 1036 previously considered on May 8, 2002, May 15, 2002, May 22, 2002 and May 29, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 1036 was made to conform with **Senate Bill No. 817**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 817 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Fitzhugh moved to take up Amendment No. 15 out of order as follows:

**Amendment No. 15**

AMEND Senate Bill No. 817 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
28,800	28,900
51,200	51,300
19,780	19,850
28,100	28,200
91,800	91,900
27,100	27,200
25,575	25,850
24,600	24,700
11,700	11,800
14,500	14,600
37,200	37,300

Rep. Turner (Davidson) moved that Amendment No. 15 be tabled, which motion failed by the following vote:

Ayes .....	28
Noes .....	45
Present and not voting .....	2

Representatives voting aye were: Bone, Brown, Buck, Cole (Carter), Curtiss, Dunn, Ford, Fraley, Givens, Hargett, Harwell, Hood, Jones S, Jones U, Kent, Kernell, Langster, Odom, Patton, Ridgeway, Roach, Rowland, Sargent, Tidwell, Todd, Turner (Davidson), West, Winningham -- 28.

Representatives voting no were: Armstrong, Bittle, Bowers, Boyer, Briley, Brooks, Bunch, Buttry, Caldwell, Clem, Cole (Dyer), Davidson, DeBerry J, DeBerry L, Ferguson, Fitzhugh, Fowlkes, Garrett, Goins, Hagood, Head, Kisber, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Phelan, Pinion, Pruitt, Rinks, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Turner (Shelby), Vincent, White, Wood, Mr. Speaker Naifeh -- 45.

Representatives present and not voting were: Chumney, Windle -- 2.

Rep. Givens moved the previous question on Amendment No. 15, which motion prevailed.

On motion, Amendment No. 15 was adopted by the following vote:



THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY

Ayes .....37  
Noes .....33

Representatives voting aye were: Armstrong, Bowers, Boyer, Brooks, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Dyer), DeBerry J, DeBerry L, Dunn, Fitzhugh, Fowlkes, Garrett, Head, Hood, Kisber, Lewis, Maddox, McCord, McDaniel, McKee, Miller, Montgomery, Phelan, Pinion, Rinks, Sands, Sargent, Shaw, Shepard, Turner (Shelby), Vincent, White, Mr. Speaker Naifeh -- 37.

Representatives voting no were: Beavers, Bittle, Bone, Briley, Brown, Buck, Cole (Carter), Curtiss, Davidson, Ferguson, Fraley, Givens, Goins, Jones S, Jones U, Kent, Kernell, Langster, Newton, Odom, Pruitt, Ridgeway, Roach, Scroggs, Sharp, Stanley, Tidwell, Todd, Turner (Davidson), West, Windle, Winningham, Wood -- 33.

A motion to reconsider was tabled.

**BILL RE-REFERRED**

Rep. West moved that Senate Bill No. 817 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2615** -- Motor Vehicles, Titling and Registration - Specifies that payment of fee equal to cost of actually designing and manufacturing military cultural plates only applicable upon initial issuance or reissuance of plates, and not applicable at renewal. Amends TCA Title 55, Chapter 4, Part 2. by \*Rowland. (\*SB2764 by \*Trail)

Further consideration of House Bill No. 2615 previously considered on March 18, 2002, March 25, 2002, April 8, 2002 and April 10, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 2615 was made to conform with **Senate Bill No. 2764**; the Senate Bill was substituted for the House Bill.

Rep. Rowland moved that Senate Bill No. 2764 be passed on third and final consideration.

Rep. West moved the previous question, which motion prevailed.

Rep. Rowland moved that **Senate Bill No. 2764** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....85  
Noes .....0

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood – 85.

A motion to reconsider was tabled.

**\*House Bill No. 2502** -- Fire Prevention and Investigation - Requires commissioner of agriculture to develop and implement fee system for division of forestry's provision of fire protection on privately-owned forest lands, such fees to be directly assessed against respective private owners of forest land. Amends TCA Title 11, Chapter 4. by \*Kernell. (SB2928 by \*Kyle)

Further consideration of House Bill No. 2502 previously considered on May 22, 2002 and May 29, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 2502 was made to conform with **Senate Bill No. 2928**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2928 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. Givens withdrew Agriculture Committee Amendment No. 1 as House Amendment No. 2.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 2928 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. The commissioner of agriculture is hereby urged, in consultation with the Tennessee forestry commission, to study alternative cost recovery methodologies relative to providing forest protection services on private forestland. If such study is undertaken, the methodologies studied shall include, but shall not be limited to, fees, fire protection property taxes, severance taxes, yield taxes, and other options that recover costs incurred by the department from the prevention, detection, and suppression of forest fires.

## THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY

SECTION 2. If such study is undertaken, the commissioner of agriculture shall submit findings and recommendations to members of the house conservation and environment committee, the house agriculture committee, the senate environment, conservation and tourism committee, and the senate commerce, labor and agriculture committee by January 15, 2003.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 was adopted.

Rep. Kernell moved that **Senate Bill No. 2928**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Vincent -- 1.

A motion to reconsider was tabled.

**House Bill No. 3287** -- Gatlinburg - Subject to local approval, authorizes hotel motel tax to be increased from 3 percent to up to 5 percent of consideration charged to transients. Amends Chapter 200 of the Private Acts of 1978. by \*McCord, \*Montgomery. (\*SB3244 by \*Clabough)

Further consideration of House Bill No. 3287 previously considered on June 19, 2002 and June 24, 2002, at which time it was reset for today's Calendar.

### BILLS WITHDRAWN

On motion of Rep. McCord, **House Bill No. 3287** was withdrawn from the House.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 3288** -- Pigeon Forge - Subject to local approval, increases gross receipts tax from 1 percent to 2 percent. Amends Chapter 808 of the Public Acts of 1976. by \*Montgomery, \*McCord. (SB3245 by \*Clabough)

Further consideration of House Bill No. 3288 previously considered on June 19, 2002 and June 24, 2002, at which time it was reset for today's Calendar.

**BILLS WITHDRAWN**

On motion of Rep. Montgomery, **House Bill No. 3288** was withdrawn from the House.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1759** -- Consumer Protection - Adds new unfair or deceptive practice of making representations in primary text of solicitation, promotion, advertisement, or other offering that is contradicted in disclosure that is inconspicuous, concealed, or otherwise obscure. Amends TCA Title 47, Chapter 18. by \*Briley, \*Sands, \*Ridgeway, \*Pinion, \*Cole (Dyer), \*Bowers. (\*SB1113 by \*Herron)

Further consideration of House Bill No. 1759 previously considered on May 1, 2002 at which time it was re-referred to the House Committee on Calendar and Rules and May 8, 2002, at which time it was reset for today's Calendar.

**BILL HELD ON DESK**

Rep. Briley moved that House Bill No. 1759 be held on the Clerk's desk, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1757** -- Consumer Protection - Expands consumer actions and definition of "consumer" to include out-of-state consumers if violator located in whole or in part in state; moneys awarded to consumer in state action are set off in any private action. Amends TCA Title 47, Chapter 18. by \*Briley, \*Sands, \*Ridgeway, \*Pinion, \*Cole (Dyer), \*Bowers. (\*SB1110 by \*Herron)

Further consideration of House Bill No. 1757 previously considered on May 1, 2002 at which time it was re-referred to the House Committee on Calendar and Rules and May 8, 2002, at which time it was reset for today's Calendar.

**BILL HELD ON DESK**

Rep. Briley moved that House Bill No. 1757 be held on the Clerk's desk, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 3125** -- Gambling - Exempts pinball machines manufactured before 1980 from prohibition against gambling. Amends TCA Title 39, Chapter 17. by \*Armstrong. (SB3025 by \*Haun)

Further consideration of House Bill No. 3125 previously considered on April 24, 2002, at which time the bill failed to receive a Constitutional majority. The bill was also considered on May 8, 2002, May 15, 2002, May 22, 2002, May 29, 2002, June 19, 2002 and June 24, 2002, at which time it was reset for today's Calendar.

**BILL HELD ON DESK**

Rep. Armstrong moved that House Bill No. 3125 be held on the Clerk's desk, which motion prevailed.

**MESSAGE FROM THE SENATE  
July 4, 2002**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2412.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 2412** -- Planning, Public - Requires planning commissioners, professional planners, planning commission members, board of zoning appeals members, building commissioners, and other officials who advise planning commission or board of zoning appeals to attend training and continuing education. Amends TCA Title 13, Chapter 3; Title 13, Chapter 4 and Title 13, Chapter 7. by \*Norris. (HB2434 by \*Todd)

**CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 2412**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 2412 (House Bill No. 2434) has met and recommends that the following amendments be deleted:

House Amendment No. 3

The Committee further recommends that the following amendment be adopted:

THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY

Senate Amendments No. 3 and 4; and House Amendment No. 1

/s/	Senator Mark Norris	Representative Curry Todd
	Senator Steve Cohen	Representative Randy Rinks
	Senator Bob Rochelle	Representative Charles Sargent

Rep. Todd moved that the Report of the Conference Committee on **Senate Bill No. 2412** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	84
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives present and not voting were: Vincent -- 1.

A motion to reconsider was tabled.

**SPECIAL ORDER**

Without objection, Rep. L. DeBerry called up House Bill No. 145 from the Clerk's desk as follows:

**\*House Bill No. 145** -- Hospitals and Health Care Facilities - Creates new class of health care facilities for facilities with less than 25 beds for purposes of assessing health care facility fees based on number of beds. Amends TCA Section 68-11-216. by \*Arriola, \*DeBerry L, \*Brooks, \*Bowers, \*Chumney. (SB759 by \*Henry, \*Dixon, \*Burks)

Further consideration of House Bill No. 145 previously considered on today's Supplemental Regular Calendar at which time it was held on the Clerk's desk.

On motion, House Bill No. 145 was made to conform with **Senate Bill No. 759**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 759 be passed on third and final consideration.

Rep. L. DeBerry moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 759 by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. L. DeBerry moved that **Senate Bill No. 759**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	80
Noes .....	1
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 80.

Representatives voting no were: Goins -- 1.

Representatives present and not voting were: Godsey, Odom, Todd -- 3.

A motion to reconsider was tabled.

**RECOGNITION IN THE WELL**

Representative Lois DeBerry was recognized in the Well to present a gift to retiring member Representative Don Ridgeway.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 2286** -- TennCare - Requires comptroller's annual actuarial study to address provider reimbursement rates issues. Amends TCA Title 71, Chapter 5. by \*Kisber, \*Maddox, \*Bone, \*Buck, \*White, \*McMillan, \*Sands, \*Lewis, \*Naifeh, \*Fitzhugh, \*Winningham, \*Hood, \*Bowers, \*Armstrong, \*Caldwell, \*Vincent, \*Sharp, \*Bittle, \*Turner (Hamilton), \*Ridgeway, \*Shepard, \*Pinion, \*Montgomery, \*Wood, \*Buttry, \*Hagood, \*Sargent, \*McDonald, \*Newton, \*Shaw, \*Curtiss, \*Phelan, \*Fowlkes, \*Tindell, \*Fraleay, \*Patton, \*Ford S. (SB2624 by \*Cooper J, \*Haun)

**BILL HELD ON DESK**

Rep. Kisber moved that House Bill No. 2286 be held on the Clerk's desk, which motion prevailed.

**MESSAGE FROM THE SENATE**  
**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2895; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2895** -- TennCare - Authorizes department of commerce and insurance to survey persons disenrolled by TennCare program between July 1, 2001, and June 30, 2002, to determine such persons' ability to obtain other health insurance. Amends TCA Section 56-32-231. by \*McDaniel, \*Boyer. (SB2942 by \*Clabough)

**Senate Amendment No. 1**

AMEND House Bill No. 2895 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-32-231 is amended by adding the following language as a new subsection:

(c) The department of commerce and insurance is authorized to conduct a survey of persons disenrolled by the TennCare program to determine if such persons were able to procure health insurance in the private market, or otherwise had access to healthcare benefits. Such survey will not commence until a survey form is developed with the assistance of the TennCare Bureau of the department of finance and administration, adopted by the commissioner of commerce and insurance, and approved by the state Comptroller of the Treasury. The survey will be conducted of persons who were disenrolled during the period from January 1, 2002 to December 31, 2002.



SECTION 2. To effectuate the provisions of this act, the commissioner of commerce and insurance shall have the authority to promulgate any necessary rules and contract with appropriate vendors. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. The cost incurred by the department of commerce and insurance in conducting the survey shall be paid from existing revenue available to the TennCare program including, but not limited to, TennCare reserve funds.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Boyer moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2895**, which motion prevailed by the following vote:

Ayes .....83  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Overbey, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 83.

A motion to reconsider was tabled.

## RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar No. 2 for July 4, 2002:

**House Joint Resolution No. 1196** -- Memorials, Death - James Allen Chaney. by \*Johnson, \*Ferguson, \*Overbey, \*McCord.

## SUPPLEMENTAL CONSENT CALENDAR NO. 2

**House Joint Resolution No. 1196** -- Memorials, Death - James Allen Chaney. by \*Johnson, \*Ferguson, \*Overbey, \*McCord.

**\*Senate Joint Resolution No. 567** -- General Assembly, Directed Studies - Requires inter-departmental study of autism and creates special joint committee to recommend any necessary legislation. by \*Cooper J.

**\*Senate Joint Resolution No. 534** -- General Assembly, Studies - Reauthorizes select joint committee on veterans' affairs. by \*Crowe, \*Dixon, \*Henry.

**House Bill No. 1714** -- Pensions and Retirement Benefits - Allows member of general assembly to continue employment in another position covered by TCRS, draw retirement benefits based on general assembly service while employed in other position, and then draw recomputed retirement benefits based on both positions. Amends TCA Section 8-36-808. by \*Rhinehart, \*Whitson, \*Davis (Cocke). (\*SB1812 by \*Atchley)

**House Bill No. 2642** -- Tennessee Wildlife Resources Agency - Authorizes TWRA to purchase upland hardwood forests known as International Paper Company properties in Anderson and Campbell counties. Amends TCA Section 11-14-401. by \*Bittle, \*Curtiss. (\*SB2524 by \*Ramsey)

On motion, House Bill No. 2642 was made to conform with **Senate Bill No. 2524**; the Senate Bill was substituted for the House Bill.

**OBJECTION -- SUPPLEMENTAL CONSENT CALENDAR NO. 2**

Objection(s) was/were filed to the following on the Supplemental Consent Calendar No. 2:

**House Bill No. 1714:** by Rep. Boyer

Under the rules, House Bill(s) No(s). 1714 was/were placed at the foot of the Supplemental Regular Calendar No. 2 for July 4, 2002.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washingtion), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Brooks moved that the rules be suspended for the purpose of introducing House Resolution No. 409 out of order, which motion was immediately withdrawn.

**SUPPLEMENTAL REGULAR CALENDAR NO. 2**

**House Joint Resolution No. 1195** -- Memorials, Recognition - Tennessee Firearms Association. by \*West.

Further consideration of House Joint Resolution No. 1195 previously considered on July 4, 2002, at which time it was objected to on the Consent Calendar and reset for today's Supplemental Regular Calendar No. 2.

Rep. West moved that **House Joint Resolution No. 1195** be adopted, which motion prevailed by the following vote:

Ayes .....	84
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

**House Bill No. 1714** -- Pensions and Retirement Benefits - Allows member of general assembly to continue employment in another position covered by TCRS, draw retirement benefits based on general assembly service while employed in other position, and then draw recomputed retirement benefits based on both positions. Amends TCA Section 8-36-808. by \*Rhinehart, \*Whitson, \*Davis (Cocke). (\*SB1812 by \*Atchley)

Further consideration of House Bill No. 1714 previously considered on July 4, 2002, at which time it was objected to on the Supplemental Consent Calendar No. 2 and reset for today's Regular Calendar.

On motion, House Bill No. 1714 was made to conform with **Senate Bill No. 1812**; the Senate Bill was substituted for the House Bill.

Rep. Davis (Cocke) moved that **Senate Bill No. 1812** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....71  
Noes .....7

Representatives voting aye were: Armstrong, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Casada, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hagood, Head, Hood, Johnson, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Beavers, Clem, Goins, Hargett, Harwell, Rowland, Stanley -- 7.

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2286** -- TennCare - Requires comptroller's annual actuarial study to address provider reimbursement rates issues. Amends TCA Title 71, Chapter 5, by \*Kisber, \*Maddox, \*Bone, \*Buck, \*White, \*McMillan, \*Sands, \*Lewis, \*Naifeh, \*Fitzhugh, \*Winningham, \*Hood, \*Bowers, \*Armstrong, \*Caldwell, \*Vincent, \*Sharp, \*Bittle, \*Turner (Hamilton), \*Ridgeway, \*Shepard, \*Pinion, \*Montgomery, \*Wood, \*Buttry, \*Hagood, \*Sargent, \*McDonald, \*Newton, \*Shaw, \*Curtiss, \*Phelan, \*Fowlkes, \*Tindell, \*Fraley, \*Patton, \*Ford S. (SB2624 by \*Cooper J, \*Haun)

Further consideration of House Bill No. 2286 previously considered on today.

### Senate Amendment No. 3

AMEND House Bill No. 2286 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The title of this act is, and may be cited as, "The TennCare Reform Act of 2002".

SECTION 2. Tennessee Code Annotated, Section 71-5-106, is amended by adding the following as new subdivisions:

(l) Not later than January 1, 2003, the bureau of TennCare or its designee shall verify the eligibility for TennCare of all enrollees on annual basis.

(m) To the extent permitted by federal law, the state may impose a reasonable fee for costs of eligibility determinations for applicants applying for medical assistance as part of the medically eligible expansion population under the TennCare waiver.

(n) In the TennCare waiver expansion population, except for persons medically eligible as uninsurable persons, enrollment shall not be permitted for individuals from households with incomes of greater than two hundred fifty percent (250%) of federal poverty levels.

(o) Except as may be required by federal law, after the effective date of this act, no person eighteen (18) years of age or older shall be eligible to receive TennCare benefits as a part of the waiver's expansion population if such person is eligible to participate in a group insurance plan offered through an employer, a family member's employer, a professional association or school, or have access to medicare or COBRA coverage.

(p) Not later than January 1, 2003, all determinations of eligibility for persons medically eligible as uninsurable in the TennCare waiver's expansion population shall be made on the basis of health condition based upon a review of medical records.

SECTION 3. Tennessee Code Annotated, Section 71-5-102, is amended by designating the existing language of the section as subsection (a) and by adding the following as a new subsection (b):

(b)(1) Except as may be required by federal law or regulation, it is hereby declared to be the public policy of the state of Tennessee that participation in the TennCare program, or its successor programs, is not an entitlement and is conditional upon, among other things, specific appropriations for the program.

(2) Not less than annually, the governor shall recommend and the general assembly may, through provisions of the general appropriations act, prioritize the funding for the TennCare program in a manner which specifies that funds are available to:

(A) continue coverage for enrollees currently in the program;

(B) extend coverage to potential new enrollees, or categories thereof, at current, higher or lower income levels; or,

(C) withdraw coverage from all enrollees not eligible for Medicaid.

(c) Continuation, extension and withdrawal of coverage for enrollees in the TennCare program shall be determined in accordance with such priorities, if any, established by the general assembly in the general appropriations act.

SECTION 4. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as new sections:

Section 71-5-192. On or before January 1, 2004, a comprehensive, integrated information management system will be operational for the bureau of TennCare. Not less frequently than quarterly, the office of information resources in the department of finance and administration shall provide progress assessments concerning such system to the information systems council (ISC) and the fiscal review committee.

Section 71-5-193. There shall be established a TennCare advisory board, appointed by the governor, comprised of not less than twelve (12) nor more than fifteen (15) individuals who shall be representative of health care providers, business leaders and health care consumers. The board shall provide advice and direction to the bureau of TennCare in the management of the TennCare program. At least quarterly, the bureau of TennCare and the department of commerce and insurance shall present to the board an update on compliance by participating managed care organizations with statutory and contractual requirements, including, but not limited to, prompt payment of claims, network adequacy and provision of non-network essential services. The governor shall determine the terms and organizational structure of the board and will strive to ensure racial and gender diversity.

SECTION 5. Any costs associated with the implementation of this act, except as to the costs of the Medicaid Fraud Control Unit of the Tennessee bureau of investigation, shall be paid from existing funds appropriated to the TennCare program.

SECTION 6. Tennessee Code Annotated, Section 71-5-110, is amended by adding the following language at the end of subsection (b):

To the extent permitted by federal law, the application of a self-employed individual for medical assistance as a part of the TennCare program shall include a copy of the individual's most recent federal income tax return.

SECTION 7. Tennessee Code Annotated, Section 71-5-118, is amended by adding the following as a new subsection (g):

(g) The bureau of TennCare shall establish, through its Program Integrity Unit, a system to randomly investigate persons involved in the medical assistance program to monitor for violations of subsection (b) by such persons. The Program Integrity Unit shall investigate applicants, employers, providers and other persons involved in the medical assistance program. Violations of subsection (b) shall be regarded as TennCare fraud and the Program Integrity Unit shall refer appropriate cases of fraud to any appropriate law enforcement agencies, including the Tennessee bureau of investigation, for appropriate action. The Program Integrity Unit shall report concerning the activities of the investigative program to the house and senate judiciary committees on or before January 30th of each year.

SECTION 8. (a) The fiscal review committee, in consultation with the bureau of TennCare and the select oversight committee on TennCare, shall study the feasibility of outsourcing eligibility determinations and reverifications for the TennCare expansion population, including requesting information from potential contractors. It is the legislative intent that information from interested potential contractors be received by October 15, 2002.

(b) The fiscal review committee, in consultation with the bureau of TennCare and the select oversight committee on TennCare, shall evaluate the responses from potential contractors and shall, no later than January 1, 2003, shall report its findings to the general assembly, the commissioner of finance and administration, the comptroller of the treasury and the governor, relative to whether eligibility and re-verification services should be contracted and procured through competitive proposals.

SECTION 9. Tennessee Code Annotated, Section 71-5-116, is amended by adding the following amendatory language at the end of subsection (c):

To facilitate and enhance compliance with this subsection, the department of health shall promptly notify the bureau of TennCare, in a format to be specified by the bureau, of the death of any individual fifty-five (55) years of age or older. Such notification shall include the decedent's name, date of birth, and social security number. It is the legislative intent of this subsection that the bureau of TennCare strive vigorously to recoup any TennCare funds expended for a decedent after the date of death

SECTION 10. Tennessee Code Annotated, Section 71-5-118, is amended by adding the following amendatory language as a new subsection to be appropriately designated:

( ) Without regard to any other civil or criminal liability that might attach, by operation of this section or any other law, to an enrollee or applicant's action in obtaining medical assistance or any assistance under this part, to which such person is not entitled, the bureau of TennCare shall have an administrative remedy for the recovery of the amount of any medical assistance benefits or payments improperly paid as a result of any misrepresentation made by such person, to the extent that such amount has not otherwise been recovered by the bureau. The bureau shall also have a right to recover in such administrative proceedings its reasonable costs and attorneys' fees, as well as interest on the amount owed by the person, calculated from the date that medical assistance was improperly paid. Any action against such person shall be treated as a contested case in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. In an administrative action under this subsection, the bureau shall show that the amount sought to be recovered was paid in the form of medical assistance as a result of material misrepresentation by the person against whom recovery is sought, but the bureau need not show that such misrepresentation was intentional or fraudulent.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

SECTION 11. Tennessee Code Annotated, Section 71-5-118, is further amended by adding the following amendatory language as a new subsection to be appropriately designated:

( ) There is established within the criminal investigation division of the Tennessee bureau of investigation a "Medicaid Fraud Control Unit", which is separate and distinct from the state Medicaid agency. As regulated by federal law, the unit is authorized to investigate and refer for prosecution violations of all applicable laws pertaining to fraud in the administration of the Medicaid program, the provision of medical assistance or the activities of providers of medical assistance under the State Medicaid plan; Medicare fraud; and abuse or neglect in healthcare facilities receiving payments under the State Medicaid plan, such as board and care facilities as allowed by federal law. A summary of the unit's work shall be included in the bureau's annual report and shall be submitted annually to the judiciary committees of the general assembly.

SECTION 12. Tennessee Code Annotated, Section 71-5-118, is further amended by adding the following amendatory language as a new subsection to be appropriately designated:

( ) The bureau of TennCare shall report annually in writing to the judiciary committees of the general assembly regarding its collection activities of the estate recovery and enrollee fraud and abuse provisions of this chapter.

SECTION 13. Tennessee Code Annotated, Section 71-5-118, is further amended by adding the following amendatory language as a new subsection to be appropriately designated:

( ) All applicants for medical assistance under this part, and all applicants for reverification of eligibility to receive such assistance, shall receive a warning, in easily readable language, regarding the state recovery provisions, as well as the administrative, civil and criminal liability provisions of this chapter.

SECTION 14. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 15. This act shall take effect on July 1, 2002, the public welfare requiring it.

**Senate Amendment No. 1 to 3**

AMEND House Bill No. 2286 By deleting subsection (o) as added to Section 71-5-106 by Section 2 and by substituting the following new subsection (o):



(o) Except as may be required by federal law, after the effective date of this act, no person nineteen (19) years of age or older shall be eligible to receive TennCare benefits (except employee health insurance subsidy payments) as a part of the waiver's expansion population if such person is eligible to participate in a group insurance plan offered through an employer, a family member's employer, a professional association or school, or have access to medicare or COBRA coverage.

**Senate Amendment No. 2 to 3**

AMEND House Bill No. 2286 By deleting the word "have" in subsection (o) of the amendatory language of Section 2 and by substituting instead the language "has".

AND FURTHER AMEND in Section 9 by deleting the amendatory language of the section in its entirety and by substituting instead the language:

(1) To facilitate and enhance compliance with this subsection, the department of health shall promptly notify the bureau of TennCare, in a format to be specified by the bureau, of the death of any individual fifty-five (55) years of age or older. Such notification shall include the decedent's name, date of birth, and social security number. It is the legislative intent of this subsection that the bureau of TennCare strive vigorously to recoup any TennCare funds expended for a decedent after the date of death.

(2) Before any probate estate may be closed pursuant to title 30, the personal representative of the estate shall:

(A) Notify the bureau of TennCare of the death of any individual on forms provided by the bureau of TennCare and the bureau shall provide an appropriate release form to the representative; and

(B) File with the clerk of the court exercising probate jurisdiction the final receipt and release from the bureau of TennCare evidencing payment of all medical assistance benefits, premiums or other such costs due from the estate under law, unless waived by the bureau.

**Senate Amendment No. 4**

AMEND House Bill No. 2286 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_ (a) No period of residence in this state shall be required as a condition for eligibility for medical assistance under this chapter, but an individual who does not reside in this state shall not be eligible.

(b) The bureau of TennCare shall adopt rules for determining whether an applicant is a resident of this state subject to the requirements of federal law. The rules shall require that state residency is not established unless the applicant does both of the following.

(1) The applicant produces one (1) of the following:

(A) A recent Tennessee rent or mortgage receipt or utility bill in the applicant's name.

(B) A current Tennessee motor vehicle driver's license or identification card issued by the Tennessee department of safety in the applicant's name.

(C) A current Tennessee motor vehicle registration in the applicant's name.

(D) A document showing that the applicant is employed in this state.

(E) A document showing that the applicant has registered with a public or private employment service in this state.

(F) Evidence that the applicant has enrolled his or her children in a school in this state.

(G) Evidence that the applicant is receiving public assistance in this state.

(H) Evidence of registration to vote in this state.

(2) The applicant declares, under penalty of perjury, that all of the following apply:

(A) The applicant does not own or lease a principal residence outside of this state.

(B) The applicant is not receiving public assistance outside of this state. As used in this subdivision, "public assistance" does not include unemployment insurance benefits.

(c) A denial of determination of residency may be appealed in the same manner as any other denial of eligibility. A determination of residency shall not be granted unless a preponderance of the credible evidence supports the applicant's intent to remain indefinitely in this state.

**Senate Amendment No. 1 to 4**

AMEND House Bill No. 2286 By deleting the language "one (1) of the following" in subdivision (b)(1) of the amendatory language the new section added by the amendment and by substituting instead the language "two (2) or more of the following".

**Senate Amendment No. 2 to 4**

AMEND House Bill No. 2286 By deleting the word "recent" in item (b)(1)(A) of the amendatory language of the new section added by the amendment and by substituting instead the word "current".

**Senate Amendment No. 3 to 4**

AMEND House Bill No. 2286 By deleting subsection (a) of the amendatory language of the new section added by the amendment and by substituting instead the following:

(a)(1) For an individual to be eligible for benefits in the expansion population of the TennCare waiver, or its successor programs, the individual must be a bona fide resident of Tennessee. For the purposes of this subsection only, an individual is a bona fide resident of Tennessee only if the individual possesses a verifiable residential address within this state and has been a resident of this state for a period of one (1) year before application to the program.

(2) If any provision of this subsection or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the subsection which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**Senate Amendment No. 4 to 4**

AMEND House Bill No. 2286 By adding the following item immediately following subsection (b), subdivision (1), item (H):

(b)(1)(I) Other evidence deemed sufficient to the Bureau and/or the Department of Human Services as proof of residency in this state.

**Senate Amendment No. 5 to 4**

AMEND House Bill No. 2286 By deleting the period immediately following item (H) of subsection (b), subdivision (1) and adding the word "or" and further amend by adding the following item immediately following subsection (b), subdivision (1), item (H):

(b)(1)(I) Other evidence deemed sufficient to the Bureau and/or the Department of Human Services as proof of residency in this state.

**Senate Amendment No. 6 to 4**

AMEND House Bill No. 2286 In subsection (b) the amendatory language of the new section added by this amendment by inserting the word "adult" immediately before the word "applicant" wherever it appears in the subsection.

AND FURTHER AMEND by adding a new subdivision (b)(3) to subsection (b) in the amendatory language of the new section:

(3) Residency for minors shall be determined as otherwise permitted under state and federal law. A minor for the purposes of this subdivision is a person age nineteen years or younger.

**Senate Amendment No. 7 to 4**

AMEND House Bill No. 2286 by adding the following sentence immediately following the last sentence in subsection (c) as added by Senate Amendment No. 4:

"In making determinations or verifications of residency, the Department of Human Services shall apply the same policies and procedures as are applied in the determination of residency for other programs administered by the Department to the extent permitted under or by federal law."

**Senate Amendment No. 5**

AMEND House Bill No. 2286 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall only apply so long as the state operates the TennCare program as a statewide waiver with an expansion population of uninsureds and uninsurables under Section 1115 of the federal social security act. If at any time the state ceases to operate such a waiver then the provisions of this act shall not be applied and enforcement of such provisions shall be terminated.

**Senate Amendment No. 9**

AMEND House Bill No. 2286 by deleting the amendatory items (B) and (C) from Section 3(b)(2) of the bill as amended and by substituting the following language:

(B) extend coverage to potential new enrollees, or categories thereof, at current, higher or lower income levels;

(C) withdraw coverage from all enrollees not eligible for Medicaid; or,

(D) reimburse medical care providers for costs unreimbursed by managed care organizations.

**Senate Amendment No. 6**

AMEND House Bill No. 2286 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Title 3, Chapter 15, Part 5, is amended by deleting the part in its entirety.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 37-10-401(d), is amended by deleting the language "the select joint committee on children and youth, and the TennCare oversight committee " and by substituting instead the language " and the select joint committee on children and youth".

SECTION \_\_\_\_ Tennessee Code Annotated, Section 71-5-190(a), is amended by deleting the language " the select oversight committee on TennCare and".

**Senate Amendment No. 1 to 6**

AMEND House Bill No. 2286 By adding the following new sections at the end of the amendment :

SECTION \_\_\_\_ In the event that the duties, authority, responsibility and termination provisions established by Tennessee Code Annotated, Sections 3-15-305, 3-15-507, 3-15-508 and 3-15-509 are not vested with newly created and appointed standing committees of the House and Senate by February 28, 2003, the preceding sections of this Amendment 6 shall cease to be effective and the statutes in effect on June 24, 2002 shall be revived and take effect in their form on such date.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 3-15-508, as revived by this amendment to Senate Amendment 6 to SB 2624/HB 2286, is amended by deleting the section in its entirety and by substituting instead the following:

Section 3-15-508 (a) When any bill is introduced in the general assembly that will impact or potentially impact upon any area within the scope of review of the committee, as set out in this chapter, the clerk shall at the same time such bill is referred to the appropriate standing committee, notify the chair of the oversight committee of such bill and transmit a copy of such bill to the oversight committee. For purposes of participating in the discussions and comments of the oversight committee, the oversight committee chair shall notify the chair or the chair's designee of the standing committee of the date, time and location where the oversight committee will meet to review legislation which has been assigned to the standing committee, and such chair or the chair's designee shall become an ex officio member of the oversight committee when the oversight committee considers such legislation.

(b) In order to efficiently execute the duties set out in this part, the committee shall review all bills transmitted to it as provided in subsection (a), and may attach committee comments to or recommend amendments to such bill prior to its consideration by the appropriate standing committee. The purpose of review by the committee is to assist the standing committee in its consideration of TennCare related legislation by providing appropriate recommendations and background information on the bill or information concerning the impact of the bill on the TennCare program. The standing committee to which a reviewed bill is referred may not consider such bill until the oversight committee has reviewed and commented on the bill. The committee's review of all bills transmitted to it pursuant to subsection (a) shall be completed and the notification required in subsection (c) returned to the chair of the appropriate standing committee as quickly as is reasonably possible during each annual legislative session.

(c) Upon completion of the review process, the chair of the oversight committee shall send written notification to the chair of the appropriate standing committee indicating that the review process has occurred and that the bill is ready for consideration by the standing committee. If the oversight committee has prepared committee comments or recommended amendments on a bill, such comments or amendments shall be attached to the notification to the chair. If the committee has reviewed a bill but has no committee comments or amendments, that shall be indicated in the notification to the chair. The chair shall designate a member of each house to file any recommended amendments with the clerk of each house.

(d) Before the commissioner of the department designated to administer the medical assistance program under title 71, chapter 5, part 1, may submit a request for an amendment to the waiver, a renewal of the waiver for the TennCare program, or an amendment to or a restatement of a contractor risk agreement to the United States department of health and human services, the commissioner shall transmit such the text of such proposed amendment or request to the committee for comment at least thirty (30) days prior to submission of the waiver to the department of health and human services. The commissioner shall notify the committee of any changes made to the amendment or request after the committee's initial opportunity to comment before the final amendment or request is submitted to the federal agency. No such amendment or renewal request may be submitted or take effect unless the committee has been afforded the opportunity to comment. Since such amendment or renewal requests are legally enforceable when they take effect, the committee shall review such amendments or renewal requests in the same manner as proposed legislation, subject to the thirty-day period required by this subsection.

**Senate Amendment No. 14**

AMEND House Bill No. 2286 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. (a) Through enactment of this section, it is the intent of the general assembly to provide a mechanism to assist persons who are Medicaid eligible or unable to obtain health insurance coverage on a group basis, to purchase private market health insurance.

(b) Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 71-5-19\_\_\_\_. The commissioner of health is authorized and directed to apply for a federal waiver pursuant to Section 1115 of Title XIX of the Social Security Act ("Medicaid Act"), 42 U.C.S. §1315, or any other applicable federal law, and, to the extent authorized by such federal waiver, to establish a pilot program to include state-assisted purchase of private market health insurance with federal financial participation for persons otherwise eligible for medical assistance under the federal Medicaid program, and/or for other persons having income below two hundred fifty percent (250%) of poverty, who do not have access to health insurance coverage on a group basis. The program may also allow persons having income at or above two hundred fifty percent (250%) of poverty, who do not have access to health insurance coverage on a group basis, to have access to and purchase the same insurance as is made available to persons who are eligible for subsidized insurance. To the extent authorized by such federal waiver, such program may replace portions of or modify the TennCare Program. The scope and parameters of the pilot program shall be established by the commissioner of health along with the director of the TennCare bureau and the comptroller.

(c) Tennessee Code Annotated, Section 71-5-102(a), is amended by deleting from the final sentence the words and punctuation "state plan." and by substituting instead the following:

state plan, including any federal waiver authorizing state-assisted purchase of private market health insurance with federal financial participation.

(d) Tennessee Code Annotated, Section 71-5-106(j), is amended by deleting the words and punctuation "state plan." and by substituting instead the following:

state plan, including any federal waiver authorizing state-assisted purchase of private market health insurance with federal financial participation.

**Senate Amendment No. 7**

AMEND House Bill No. 2286 By amending in subsection (l) of the amendatory language of Section 2, as amended, by deleting subsection (l) in its entirety and by substituting:

(l) Beginning January 1, 2003, the bureau of TennCare or its designee shall determine eligibility for TennCare on an annual basis as follows:

(1) All non-medicaid eligible TennCare enrollees will have the responsibility to re-establish their eligibility annually and in the absence of re-application and re-determination their coverage will automatically expire at the end of twelve (12) months;

(2) Upon notification by the bureau of TennCare, the enrollee must contact the bureau or its designee to schedule an appointment and provide information as required by TennCare regulations;

(3) Notification to the enrollee is presumed when a notice is mailed to the last known address;

(4) Lack of receipt of the notification does not excuse responsibility of the enrollee to schedule an appointment for redetermination of eligibility if the enrollee has changed address and failed to notify the bureau of TennCare; and

(5) Failure of the enrollee to contact the bureau of TennCare or its designee concerning a change in address relieves the bureau of responsibility for contacting the enrollee.

AND FURTHER AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 71-5-110(c)(1), is amended in the second sentence by deleting the language "two (2) months" and by substituting instead the language "thirty (30) days".

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. In all actions for the transfer of income or resources from an institutionalized spouse for the support of the community spouse, the court shall apply the standards utilized to determine medicaid eligibility in this state, regardless of any state laws relating to community property or the division of marital property.

**Senate Amendment No. 17**

AMEND House Bill No. 2286 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:



SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. Beginning in fiscal year 2002-2003 and for each subsequent fiscal year, the administrative costs for the TennCare waiver program may not exceed the amount of state administrative costs of the medical assistance program for fiscal year 1992-1993 after such medical assistance program costs have been adjusted by trending the costs forward using the consumer price index for medical care as determined by the bureau of labor statistics of the federal department of labor.

**Senate Amendment No. 16**

AMEND House Bill No. 2286 By adding the following language at the end of subsection (o) in the amendatory language of Section 2 of the bill as amended by Senate Amendment 3 as amended:

For the purposes of this subsection, "group insurance plan" means creditable coverage, as such coverage is defined in Section 56-7-2802.

**Senate Amendment No. 2**

AMEND House Bill No. 2286 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. The bureau of TennCare is prohibited from requiring a TennCare managed care organization to contract with any specific credentialing verification organization if the TennCare managed care organization holds a valid Tennessee commercial health maintenance organization insurance license.

**Senate Amendment No. 1**

AMEND House Bill No. 2286 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. If the bureau of TennCare requires a TennCare managed care organization to contract with any specific credentialing verification organization, then the credentialing verification organization may only charge a fee for credentialing services to only the first TennCare managed care organization seeking to credential a provider. The credentialing verification organization may not charge more than one (1) fee for credentialing a provider. The provider shall be credentialed without charge to second and subsequent TennCare managed care organizations. A TennCare managed care organization that has been inappropriately charged for credentials under the provisions of this section may receive a reasonable attorney fee and costs in any action to enforce its rights in a court of competent jurisdiction.

**Senate Amendment No. 27**

AMEND House Bill No. 2286 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The title of this act is, and may be cited as, "The TennCare Reform Act of 2002".

SECTION 2. Tennessee Code Annotated, Section 71-5-106, is amended by adding the following as new subdivisions:

(l) Beginning January 1, 2003, the bureau of TennCare or its designee shall determine eligibility for TennCare on an annual basis as follows:

(1) All non-medicaid eligible TennCare enrollees will have the responsibility to re-establish their eligibility annually and in the absence of re-application and re-determination their coverage will automatically expire at the end of twelve (12) months;

(2) Upon notification by the bureau of TennCare, the enrollee must contact the bureau or its designee to schedule an appointment and provide information as required by TennCare regulations;

(3) Notification to the enrollee is presumed when a notice is mailed to the last known address;

(4) Lack of receipt of the notification does not excuse responsibility of the enrollee to schedule an appointment for redetermination of eligibility if the enrollee has changed address and failed to notify the bureau of TennCare; and

(5) Failure of the enrollee to contact the bureau of TennCare or its designee concerning a change in address relieves the bureau of responsibility for contacting the enrollee.

(m) To the extent permitted by federal law, the state may impose a reasonable fee for costs of eligibility determinations for applicants applying for medical assistance as part of the medically eligible expansion population under the TennCare waiver.

(n) In the TennCare waiver expansion population, except for persons medically eligible as uninsurable persons, enrollment shall not be permitted for individuals from households with incomes of greater than two hundred fifty percent (250%) of federal poverty levels.

(o) Except as may be required by federal law, after the effective date of this act, no person nineteen (19) years of age or older shall be eligible to receive TennCare benefits (except employee health insurance subsidy payments) as a part of the waiver's expansion population if such person is eligible to participate in a group insurance plan offered through an employer, a family member's employer, a professional association or school, or has access to medicare or COBRA coverage. For purposes of this subsection (o), "group insurance plan" means creditable coverage, as such coverage is defined in Section 56-7-2802.

(p) Not later than January 1, 2003, all determinations of eligibility for persons medically eligible as uninsurable in the TennCare waiver's expansion population shall be made on the basis of health condition based upon a review of medical records.

SECTION 3. Tennessee Code Annotated, Section 71-5-102, is amended by designating the existing language of the section as subsection (a) and by adding the following as a new subsection (b):

(b)(1) Except as may be required by federal law or regulation, it is hereby declared to be the public policy of the state of Tennessee that participation in the TennCare program, or its successor programs, is not an entitlement and is conditional upon, among other things, specific appropriations for the program.

(2) Not less than annually, the governor shall recommend and the general assembly may, through provisions of the general appropriations act, prioritize the funding for the TennCare program in a manner which specifies that funds are available to:

(A) continue coverage for enrollees currently in the program;

(B) extend coverage to potential new enrollees, or categories thereof, at current, higher or lower income levels;

(C) withdraw coverage from all enrollees not eligible for Medicaid; or,

(D) reimburse medical care providers for costs unreimbursed by managed care organizations out of state funds appropriated for that purpose or such federal funds as would be permitted to be used for that purpose under the terms of the TennCare waiver.

(c) Continuation, extension and withdrawal of coverage for enrollees in the TennCare program shall be determined in accordance with such priorities, if any, established by the general assembly in the general appropriations act.

SECTION 4. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as new sections:

Section 71-5-192. On or before January 1, 2004, a comprehensive, integrated information management system will be operational for the bureau of TennCare. Not less frequently than quarterly, the office of information resources in the department of finance and administration shall provide progress assessments concerning such system to the information systems council (ISC) and the fiscal review committee.

Section 71-5-193. There shall be established a TennCare advisory board, appointed by the governor, comprised of not less than twelve (12) nor more than fifteen (15) individuals who shall be representative of health care providers, business leaders and health care consumers. The board shall provide advice and direction to the bureau of TennCare in the management of the TennCare program. At least quarterly, the bureau of TennCare and the department of commerce and insurance shall present to the board an update on compliance by participating managed care organizations with statutory and contractual requirements, including, but not limited to, prompt payment of claims, network adequacy and provision of non-network essential services. The governor shall determine the terms and organizational structure of the board and will strive to ensure racial and gender diversity.

SECTION 5. Any costs associated with the implementation of this act, except as to the costs of the Medicaid Fraud Control Unit of the Tennessee bureau of investigation, shall be paid from existing funds appropriated to the TennCare program.

SECTION 6. Tennessee Code Annotated, Section 71-5-110, is amended by adding the following language at the end of subsection (b):

To the extent permitted by federal law, the application of a self-employed individual for medical assistance as a part of the TennCare program shall include a copy of the individual's most recent federal income tax return.

SECTION 7. Tennessee Code Annotated, Section 71-5-118, is amended by adding the following as a new subsection (g):

(g) The bureau of TennCare shall establish, through its Program Integrity Unit, a system to randomly investigate persons involved in the medical assistance program to monitor for violations of subsection (b) by such persons. The Program Integrity Unit shall investigate applicants, employers, providers and other persons involved in the medical assistance program. Violations of subsection (b) shall be regarded as TennCare fraud and the Program Integrity Unit shall refer appropriate cases of fraud to any appropriate law enforcement agencies, including the Tennessee bureau of investigation, for appropriate action. The Program Integrity Unit shall report concerning the activities of the investigative program to the house and senate judiciary committees on or before January 30th of each year.

SECTION 8. (a) The fiscal review committee, in consultation with the bureau of TennCare and the select oversight committee on TennCare, shall study the feasibility of outsourcing eligibility determinations and reverifications for the TennCare expansion population, including requesting information from potential contractors. It is the legislative intent that information from interested potential contractors be received by October 15, 2002.

(b) The fiscal review committee, in consultation with the bureau of TennCare and the select oversight committee on TennCare, shall evaluate the responses from potential contractors and shall, no later than January 1, 2003, shall report its findings to the general assembly, the commissioner of finance and administration, the comptroller of the treasury and the governor, relative to whether eligibility and re-verification services should be contracted and procured through competitive proposals.

SECTION 9. Tennessee Code Annotated, Section 71-5-116, is amended by adding the following amendatory language at the end of subsection (c):

(1) To facilitate and enhance compliance with this subsection, the department of health shall promptly notify the bureau of TennCare, in a format to be specified by the bureau, of the death of any individual fifty-five (55) years of age or older. Such notification shall include the decedent's name, date of birth, and social security number. It is the legislative intent of this subsection that the bureau of TennCare strive vigorously to recoup any TennCare funds expended for a decedent after the date of death.

(2) Before any probate estate may be closed pursuant to title 30, the personal representative of the estate shall:

(A) Notify the bureau of TennCare of the death of any individual on forms provided by the bureau of TennCare and the bureau shall provide an appropriate release form to the representative; and

(B) File with the clerk of the court exercising probate jurisdiction the final receipt and release from the bureau of TennCare evidencing payment of all medical assistance benefits, premiums or other such costs due from the estate under law, unless waived by the bureau.

SECTION 10. Tennessee Code Annotated, Section 71-5-118, is amended by adding the following amendatory language as a new subsection to be appropriately designated:

( ) Without regard to any other civil or criminal liability that might attach, by operation of this section or any other law, to an enrollee or applicant's action in obtaining medical assistance or any assistance under this part, to which such person is not entitled, the bureau of TennCare shall have an administrative remedy for the recovery of the amount of any medical assistance benefits or payments improperly paid as a result of any misrepresentation made by such person, to the extent that such amount has not otherwise been recovered by the bureau. The bureau shall also have a right to recover in such administrative proceedings its reasonable costs and attorneys' fees, as well as interest on the amount owed by the person, calculated from the date that medical assistance was improperly paid. Any action against such person shall be treated as a contested case in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. In an administrative action under this subsection, the bureau shall show that the amount sought to be recovered was paid in the form of medical assistance as a result of material misrepresentation by the person against whom recovery is sought, but the bureau need not show that such misrepresentation was intentional or fraudulent.

SECTION 11. Tennessee Code Annotated, Section 71-5-118, is further amended by adding the following amendatory language as a new subsection to be appropriately designated:

( ) There is established within the criminal investigation division of the Tennessee bureau of investigation a "Medicaid Fraud Control Unit", which is separate and distinct from the state Medicaid agency. As regulated by federal law, the unit is authorized to investigate and refer for prosecution violations of all applicable laws pertaining to fraud in the administration of the Medicaid program, the provision of medical assistance or the activities of providers of medical assistance under the State Medicaid plan; Medicare fraud; and abuse or neglect in healthcare facilities receiving payments under the State Medicaid plan, such as board and care facilities as allowed by federal law. A summary of the unit's work shall be included in the bureau's annual report and shall be submitted annually to the judiciary committees of the general assembly.

SECTION 12. Tennessee Code Annotated, Section 71-5-118, is further amended by adding the following amendatory language as a new subsection to be appropriately designated:

( ) The bureau of TennCare shall report annually in writing to the judiciary committees of the general assembly regarding its collection activities of the estate recovery and enrollee fraud and abuse provisions of this chapter.

SECTION 13. Tennessee Code Annotated, Section 71-5-118, is further amended by adding the following amendatory language as anew subsection to be appropriately designated:

( ) All applicants for medical assistance under this part, and all applicants for reverification of eligibility to receive such assistance, shall receive a warning, in easily readable language, regarding the state recovery provisions, as well as the administrative, civil and criminal liability provisions of this chapter.

SECTION 14. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_ (a) No period of residence in this state shall be required as a condition for eligibility for medical assistance under this chapter, but an individual who does not reside in this state shall not be eligible.

(b) The bureau of TennCare shall adopt rules for determining whether an applicant is a resident of this state subject to the requirements of federal law. The rules shall require that state residency is not established unless the applicant does both of the following.

(1) The applicant produces the following:

(A) A current Tennessee rent or mortgage receipt or utility bill in the adult applicant's name.

(B) A current Tennessee motor vehicle driver's license or identification card issued by the Tennessee department of safety in the adult applicant's name.

(C) A current Tennessee motor vehicle registration in the adult applicant's name.

(D) A document showing that the adult applicant is employed in this state.

(E) A document showing that the adult applicant has registered with a public or private employment service in this state.

(F) Evidence that the adult applicant has enrolled his or her children in a school in this state.

(G) Evidence that the adult applicant is receiving public assistance in this state.

(H) Evidence of registration to vote in this state.

(I) Other evidence deemed sufficient to the bureau and/or the department of human services as proof of residency in this state.

(2) The adult applicant declares, under penalty of perjury, that all of the following apply:

(A) The adult applicant does not own or lease a principal residence outside of this state.

(B) The adult applicant is not receiving public assistance outside of this state. As used in this subdivision, "public assistance" does not include unemployment insurance benefits.

(3) Residency for minors shall be determined as otherwise permitted under state and federal law. A minor for the purposes of this subdivision is a person younger than nineteen (19) years of age.

(c) A denial of determination of residency may be appealed in the same manner as any other denial of eligibility. A determination of residency shall not be granted unless a preponderance of the credible evidence supports the adult applicant's intent to remain indefinitely in this state. In making determinations or verifications of residency, subject to the requirements of subsection (b), the department of human services shall apply the same policies and procedures as are applied in the determination of residency for other programs administered by the department to the extent permitted under or by federal law.

SECTION 15. Tennessee Code Annotated, Section 71-5-110(c)(1), is amended in the second sentence by deleting the language "two (2) months" and by substituting instead the language "thirty (30) days".

SECTION 16. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. In all actions for the transfer of income or resources from an institutionalized spouse for the support of the community spouse, the court shall apply the standards utilized to determine medicaid eligibility in this state, regardless of any state laws relating to community property or the division of marital property.



SECTION 17. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following language as a new appropriately designated section:

Section \_\_\_\_\_. (a) Aliens shall be eligible for medical assistance, including participation in the TennCare program, only to the same extent as permitted under federal law and regulations for receipt of federal financial participation under Title XIX of the federal Social Security Act, except as otherwise provided in this section.

(b) In accordance with Section 1903(v)(1) of the federal Social Security Act (42 U.S.C. Section 1396b(v)(1)), an alien shall only be eligible for the full scope of medical assistance benefits, if the alien has been lawfully admitted for permanent residence, or is otherwise permanently residing in the United States under color of law.

For purposes of this section, aliens "permanently residing in the United States under color of law" shall be interpreted to include all aliens residing in the United States with the knowledge and permission of the United States Immigration and Naturalization Service and whose departure the United States Immigration and Naturalization Service does not contemplate enforcing and with respect to whom federal financial participation is available under Title XIX of the federal Social Security Act.

SECTION 18. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. (a) All proprietary information, including but not limited to, provider reimbursement information provided to either the Tennessee Department of Commerce and Insurance or the TennCare Bureau, or any successor entity operated by the State of Tennessee for the purpose of administering the TennCare program, or any successor program shall be deemed confidential and not subject to disclosure under the Tennessee Public Records Act as codified at Tennessee Code Annotated, Section 10-7-101, et seq. Nothing contained in this section shall be construed as to conflict with or obviate the provisions of Public Chapter 660 of the 102<sup>nd</sup> General Assembly enacted on April 24, 2002.

(b) The provisions of this section shall not apply to disclosures to the Medicaid fraud unit of the Tennessee bureau of investigation for law enforcement activities authorized by federal or state law.

(c) Nothing in this section shall be construed to limit access to, or use of, these records by governmental agencies performing official functions.

SECTION 19. The fiscal review committee shall investigate any contracts between a TennCare managed care organization and a specific credentialing verification organization which are required to be made by the bureau of TennCare, and report its findings to the finance, ways, and means committees of the senate and the house of representatives.

SECTION 20. The provisions of this act shall only apply so long as the state operates the TennCare program as a statewide waiver with an expansion population of uninsureds and uninsurables under Section 1115 of the federal social security act. If at any time the state ceases to operate such a waiver, then the provisions of this act shall not be applied and enforcement of such provisions shall be terminated.

SECTION 21. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 22 This act shall take effect on July 1, 2002, the public welfare requiring it.

**Senate Amendment No. 1 to 27**

AMEND House Bill No. 2286 by inserting the language "one (1) of" immediately before the language "the following" in subdivision (b)(12) of the amendatory language of Section 14.

**Senate Amendment No. 29**

AMEND House Bill No. 2286 By deleting amendatory subdivision (2) in Section 9, as amended, and substituting the following:

(2) Before any probate estate may be closed pursuant to title 30, with respect to a decedent who, at the time of death, was enrolled in the TennCare program, the personal representative of the estate shall file with the clerk of the court exercising probate jurisdiction a release from the bureau of TennCare evidencing payment of all medical assistance benefits, premiums, or other such costs due from the estate under law, unless waived by the bureau.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 3 as amended, 4 as amended, 5, 9, 6 as amended, 14, 7, 17, 16, 2, 1, 27 as amended and 29 to House Bill No. 2286.

Rep. Newton moved the previous question, which motion prevailed.

## THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 3 as amended, 4 as amended, 5, 9, 6 as amended, 14, 7, 17, 16, 2, 1, 27 as amended and 29 to **House Bill No. 2286**, which motion prevailed by the following vote:

Ayes .....86  
Noes .....0

Representatives voting aye were: Armstrong, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

A motion to reconsider was tabled.

### MESSAGE FROM THE SENATE July 4, 2002

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2457.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

### HOUSE ACTION ON SENATE MESSAGE

**Senate Bill No. 2457** -- Taxes, Real Property - Includes hospital and hospital property owned or leased by private not-for-profit 501(c)(3) corporation in definition of industrial and commercial property for payment of property taxes. Amends TCA Title 67. by \*Miller J. (\*HB2200 by \*Bunch)

### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 2457

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 2457 (House Bill No. 2200) has met and recommends that the following amendment be deleted: Senate Amendment No. 1 (SA 993). The House and Senate Conference Committee further recommends the following amendment be adopted:

House Amendment No.1 (HA 978)

/s/	Senator Jeff Miller	Representative Dewayne Bunch
	Senator Doug Henry	Representative Ronnie Cole
		Representative Mark Maddox
		Representative Steve McDaniel
		Representative Craig Fitzhugh

Rep. Bunch moved that the Report of the Conference Committee on **Senate Bill No. 2457** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	85
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1201.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 1201** -- Election Laws - Specifies that price for purchase of voter registration list must be reasonable. Amends TCA Title 2. by \*Cooper J, \*Cohen. (HB1767 by \*Jones U (Shelby))

**CONFERENCE COMMITTEE REPORT**  
**ON SENATE BILL NO. 1201**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 1201 (House Bill No. 1767) has met and recommends that the following amendments be deleted:

Senate Amendment #1

House Amendment #2

The Committee further recommends that the following amendment be adopted:

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-7-140(c)(2), is amended by designating the existing language as sub-item (A) and adding the following language to be designated as sub-item (B) and sub-item (C):

(B) A county election commission may establish a centrally located site or sites to be designated by such commission for voters voting under this subdivision.

(C) If a county elects to establish a centrally located site or sites, then the official at such former polling location shall notify the voter that the voter has the option to vote either at the new polling place or at the centrally located site or sites, if such locations are established by the county election commission. Provided that in computerized counties, each such centrally located site shall be equipped with computer capabilities linked to the county election commission office to allow the voter's records to be changed or corrected in the same manner as if the voter were to appear at the county election commission office on election day in order that the voter may cast the appropriate ballot.

SECTION 2. Tennessee Code Annotated, Section 2-7-141(b), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2) and subdivision (3):

(2) A county election commission may establish a centrally located site or sites to be designated by such commission for voters voting under this subsection.

(3) If a county elects to establish a centrally located site or sites, then the official at such polling location shall notify the voter that the voter has the option to vote either at the new polling place or at a centrally located site or sites, if such locations are established by the county election commission. Provided that in computerized counties, each such centrally located site shall be equipped with computer capabilities linked to the county election commission office to allow the voter's records to be changed or corrected in the same manner as if the voter were to appear at the county election commission office on election day in order that the voter may cast the appropriate ballot.

SECTION 3. Tennessee Code Annotated, Section 2-13-204(a), is amended by deleting the subsection in its entirety, and by substituting instead the following language:

(a) If a political party's candidate for any office dies or withdraws or otherwise refuses the nomination, a new nomination may be made by the former nominee's political party by any method of nomination authorized by § 2-13-203 for any office other than those listed in § 2-13-202 or pursuant to subdivision (b) for any office listed in § 2-13-202.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/	Senator Robert Rochelle	Representative Matt Kisber
	Senator Jerry Cooper	Representative Stancil Ford
	Senator Tommy Haun	Representative Ulysses Jones

Rep. U. Jones moved that the Report of the Conference Committee on Senate Bill No. 1201 be adopted and made the action of the House, which motion was immediately withdrawn.

### RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the purpose of introducing House Resolution No. 410 out of order, which motion prevailed.

**House Resolution No. 410** -- Memorials, Retirement - Representative Mike Williams, by \*Davidson, \*Naifeh, \*Fowlkes, \*Hood, \*Shepard, \*Sands, \*McMillan, \*Fitzhugh, \*Maddox, \*White.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Davidson, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Maddox moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 898 out of order, which motion prevailed.

**Senate Joint Resolution No. 898** -- Memorials, Interns - Nick Quinton. by \*Herron.

On motion of Rep. Maddox, the resolution was concurred in.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**Senate Bill No. 3020** -- Sewage - Extends from two to four years department of environment and conservation pilot project study of advanced treatment systems (ATS); classifies as Class C misdemeanor each failure of ATS manufacturer to comply with operation and maintenance check requirements. Amends TCA Title 68, Chapter 221, Part 4. by \*Wilder. (\*HB2960 by \*Fitzhugh)

Further consideration of Senate Bill No. 3020 previously considered on today's Calendar.

Rep. Fitzhugh moved that Senate Bill No. 3020, as amended, be passed on third and final consideration.

Rep. Maddox moved the previous question, which motion prevailed.

Rep. Fitzhugh moved that **Senate Bill No. 3020**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes .....	2
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Brooks, Head -- 2.

Representatives present and not voting were: DeBerry L, Jones U -- 2.

A motion to reconsider was tabled.

### SELECT COMMITTEE APPOINTMENTS

The Speaker announced that he had appointed the following committee to notify the Senate that the House has completed its business for this session and is ready to adjourn, sine die: Representatives Boyer, Beavers, Scroggs and Goins. Representative Boyer served as Chair.

The Speaker announced that he had appointed the following committee to notify the Governor that the House has completed its business for this session and is ready to adjourn, sine die: Representatives Sands, Ridgeway, Kisber and Caldwell. Representative Kisber served as Chair.

### RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 894 out of order, which motion prevailed.

**Senate Joint Resolution No. 894** -- General Assembly, Adjournment - Provides for adjournment sine die of 102nd General Assembly at close of business on June 30, 2002. by \*Burks, \*Miller J, \*Williams, Sen., \*Henry.

Rep. Davidson moved concurrence of Senate Joint Resolution No. 894.

Rep. Davidson moved adoption of Amendment No. 1 as follows:

#### Amendment No. 1

AMEND Senate Joint Resolution No. 894 By deleting the date "June 30, 2002" in the resolving clause and substituting instead the date "July 4, 2002".

On motion, Amendment No. 1 was adopted.

On motion of Rep. Davidson, the resolution, as amended, was concurred in.

A motion to reconsider was tabled.

### REPORT OF SELECT COMMITTEE

Rep Boyer advised the House that the Senate had been notified that the House has completed its business for this session and is ready to adjourn, sine die.

### BILLS WITHDRAWN

On motion of Rep. Kernell, **House Bill No. 2919** was recalled from the State and Local Government Committee and withdrawn from the House.



**REPORT OF SELECT COMMITTEE**

Rep. Kisber advised the House that the Governor had been notified that the House has completed its business for this session and is ready to adjourn, sine die; the Governor stated that he had no further communications to transmit to the House.

**SENATE READY TO ADJOURN**

Senators Burks, Trail, McNally, Burchett and Herron notified the House that the Senate had completed its business and was ready to adjourn.

**JOURNAL APPROVED**

On motion of Rep. Davidson, the Journal of the House of Representatives and the proceedings thereof were approved from the Sixty-Seventh through the One Hundred Second Legislative Day of the Second Regular Session.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1494.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 3, 4 and 5.

The Speaker appointed a Conference Committee composed of Senators Cohen, Rochelle and Cooper to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 1494.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2524; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 2524** -- Tennessee Wildlife Resources Agency - Authorizes TWRA to purchase upland hardwood forests known as International Paper Company properties in Anderson and Campbell counties. Amends TCA Section 11-14-401. by \*Ramsey. (HB2642 by \*Bittle, \*Curtiss)

**ENGROSSED BILLS**

**July 4, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 1193.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1193; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**

**July 4, 2002**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2303, 2308 and 2789.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**July 4, 2002**

The Speaker signed the following: House Bill(s) No(s). 2303, 2308 and 2789.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2303, 2308 and 2789; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**July 4, 2002**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1488, 2425, 3202, also, House Joint Resolution(s) No(s). 1037 and 1191.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
July 4, 2002**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1838, 2303, 2308, 2476, 2789 and 3159.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS  
July 4, 2002**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 394, 395, 396, 397 and 408; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
July 4, 2002**

The Speaker signed the following: House Resolution(s) No(s). 394, 395, 396, 397 and 408.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
July 4, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 602 and 3167; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED  
July 4, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 602 and 3167.

**ENGROSSED BILLS  
July 4, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 1196.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2425; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1488; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1037 and 1191; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**July 4, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067 and 1068.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067 and 1068; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**July 4, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 1195.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1196; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1195; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**July 4, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2553; also, Senate Joint Resolution(s) No(s). 896 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**July 4, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 2553; also, Senate Joint Resolution(s) No(s). 896.

**MESSAGE FROM THE GOVERNOR**

**July 4, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1131, 1838, 2303, 2308, 3232, also, House Joint Resolution(s) No(s). 848, 960, 1139, 1174, 1175, 1176, 1177, 1178, 1179 and 1192; with his approval.

JAY BALLARD, Counsel to the Governor.

**ENROLLED BILLS**

**July 4, 2002**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 410; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**July 4, 2002**

The Speaker signed the following: House Resolution(s) No(s). 410.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**July 4, 2002**

MR. SPEAKER: I am directed by the Senate to notify the House that the Senate has completed its business and is ready to adjourn sine die in accordance with Senate Joint Resolution No. 894.

RUSSELL A. HUMPHREY, Chief Clerk.

**SINE DIE ADJOURNMENT**

Thereupon, in accordance with Senate Joint Resolution No. 894, Mr. Speaker Naifeh declared the House of Representatives of the One Hundred Second General Assembly adjourned, sine die.

Jimmy Naifeh, Speaker,  
House of Representatives.

ATTEST:

BURNEY T. DURHAM, Chief Clerk,  
House of Representatives

**ARTICLE III, SECTION 18  
CONSTITUTION OF TENNESSEE**

Pursuant to Article III, Section 18, of the Constitution of the State of Tennessee, all bills presented to the Governor on or after the sine die adjournment of the One Hundred Second General Assembly, will be filed by him, subject to his final action, with the Office of the Secretary of State.

**BILLS AND RESOLUTIONS ENROLLED, SIGNED AND  
TRANSMITTED TO THE GOVERNOR  
SUBSEQUENT TO SINE DIE ADJOURNMENT**

Appendix of House Bills and Resolutions presented to the Speaker of the House of Representatives and the Speaker of the Senate for their signatures, and appendix of the House Bills and House Joint Resolutions presented to the Governor, with his action, as recorded in the Office of the Secretary of State.

**MESSAGE FROM THE SENATE  
July 8, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 534, 567, 894 and 898; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED  
July 8, 2002**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 534, 567, 894 and 898.

**MESSAGE FROM THE SENATE  
July 8, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 41, 759, 1810, 1812, 2412, 2425, 2457, 2524, 2764, 2928, 2932, 2985, 3020, 3126 and 3143; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED  
July 8, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 41, 759, 1810, 1812, 2412, 2425, 2457, 2524, 2764, 2928, 2932, 2985, 3020, 3126 and 3143.

**ENROLLED BILLS**

**July 9, 2002**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1488, 2286, 2425, 2895, also, House Joint Resolution(s) No(s). 1037, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1191, 1193, 1195 and 1196.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**July 9, 2002**

The Speaker signed the following: House Bill(s) No(s). 1488, 2286, 2425, 2895; also, House Joint Resolution(s) No(s). 1037, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1191, 1193, 1195 and 1196.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**July 9, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1488, 2286, 2425, 2895; also, House Joint Resolution(s) No(s). 1037, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1191, 1193, 1195 and 1196; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**July 9, 2002**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1488, 2286, 2425, 2895; also, House Joint Resolution(s) No(s). 1037, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1191, 1193, 1195 and 1196.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**July 9, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1303; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.



**SIGNED**  
**July 9, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 1303.

**MESSAGE FROM THE GOVERNOR**  
**July 10, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 3292, without his signature.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**July 15, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2476 and 3159, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**July 17, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2789, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**July 17, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1488, 2425 and 2895, also, House Joint Resolution(s) No(s). 1037, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1191, 1193, 1195 and 1196; with his approval.

JAY BALLARD, Counsel to the Governor.

**SECOND REPRESENTATIVE DISTRICT**

A vacancy was created in the Second Representative District on June 19, 2002 with the death of Representative Keith Westmoreland.

**COMMUNICATION**

**July 16, 2002**

Gil Hodges  
Sullivan County Executive  
3411 Highway 126  
Suite 206  
Blountville, Tennessee 37617

Burney Durham  
Chief Clerk  
Tennessee House of Representatives  
Second Floor, State Capitol  
Nashville, Tennessee 37243

Re: Appointment to District No. 2—House Vacancy

Dear Mr. Durham:

Find enclosed a certified copy of the motion passed by our County Commission on Monday, July 15, 2002, appointing Mr. Mike Locke to fill the unexpired term of Keith Westmoreland. If I may be of further service, please do not hesitate to call.

Sincerely,

/s/ Gil Hodges  
Sullivan County Executive

GH/alt  
Enclosures

**STATE OF TENNESSEE, SULLIVAN COUNTY**

I, Jeanie F. Gammon of said Sullivan County, do hereby certify that the foregoing is a full, true and perfect copy of the motion nominating Mike Locke to fill the unexpired term of Keith Westmoreland, Tennessee State House of Representatives—District 2.

In Minute Record Book 28, Page M.

Witness my hand and seal, at office in Blountville, this 19th day of July 2002.

/s/ Jeanie Gammon

**SULLIVAN COUNTY COMMISSION MEETING MINUTES  
July 15, 2002**

I would like to make a motion to nominate Mike Locke to fill the unexpired term of Keith Westmoreland, Tennessee State House of Representatives—District 2.

/s/ Archie Pierce  
July 15, 2002.

Motion seconded by Commissioner Vance and approved by roll call vote of the Commission [on] July 15, 2002. 20 Aye[s], 2 Absent, 1 Pass.

Motion entered into the minutes this 15th day of July, 2002.

**OATH OF OFFICE  
July 18, 2002**

Michael Locke was administered the oath of office by the Honorable Cornelia A. Clark, Director of the Administrative Office of the Courts, as prescribed by the State Constitution and Statutes of Tennessee.

**MESSAGE FROM THE GOVERNOR  
July 22, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2286, without his signature.

JAY BALLARD, Counsel to the Governor.

**GOVERNOR'S STATEMENT ON HOUSE BILL NO. 2286**

I am returning House Bill 2286 /Senate Bill 2624 without my signature. I understand that this bill represents an attempt to address perceived problems in the TennCare program. I appreciate the Legislature's efforts in this regard.

Recently, the Bush administration agreed to sweeping TennCare changes which our administration proposed. These reforms ensure greater accountability, cost effectiveness, and service within the program.

I am concerned that this bill may hinder our efforts for reform. The bill creates additional burdens upon the program and makes law certain procedures that were addressed in our more flexible rule making process. Most importantly, this bill legislates matters that are likely to be addressed by the federal government in the near future. This too decreases the flexibility that is necessary to operate this type of bold program.

While I believe that this bill may have some detrimental effects, I do not feel that these effects are so severe a veto is warranted. I am returning House Bill 2286 /Senate Bill 2624 without my signature.

**THURSDAY, JULY 4, 2002 – ONE HUNDRED SECOND LEGISLATIVE DAY**

**COMMUNICATION**  
**August 9, 2002**

Representative Michael Locke  
1401 Linville Street  
Kingsport, Tennessee 37664

Dear Mike:

I want to welcome you to the Tennessee House of Representatives. If you need any help from me or my office.

I also wanted to let you know that I am appointing you to serve on the Government Operations and Judiciary Committees. You will receive notices as to when they will meet.

Again, welcome and thank you for your service to the State of Tennessee.

Sincerely,

/s/ Jimmy Naifeh  
Speaker of the House

cc: Rep. Mike Kernell  
Rep. Frank Buck